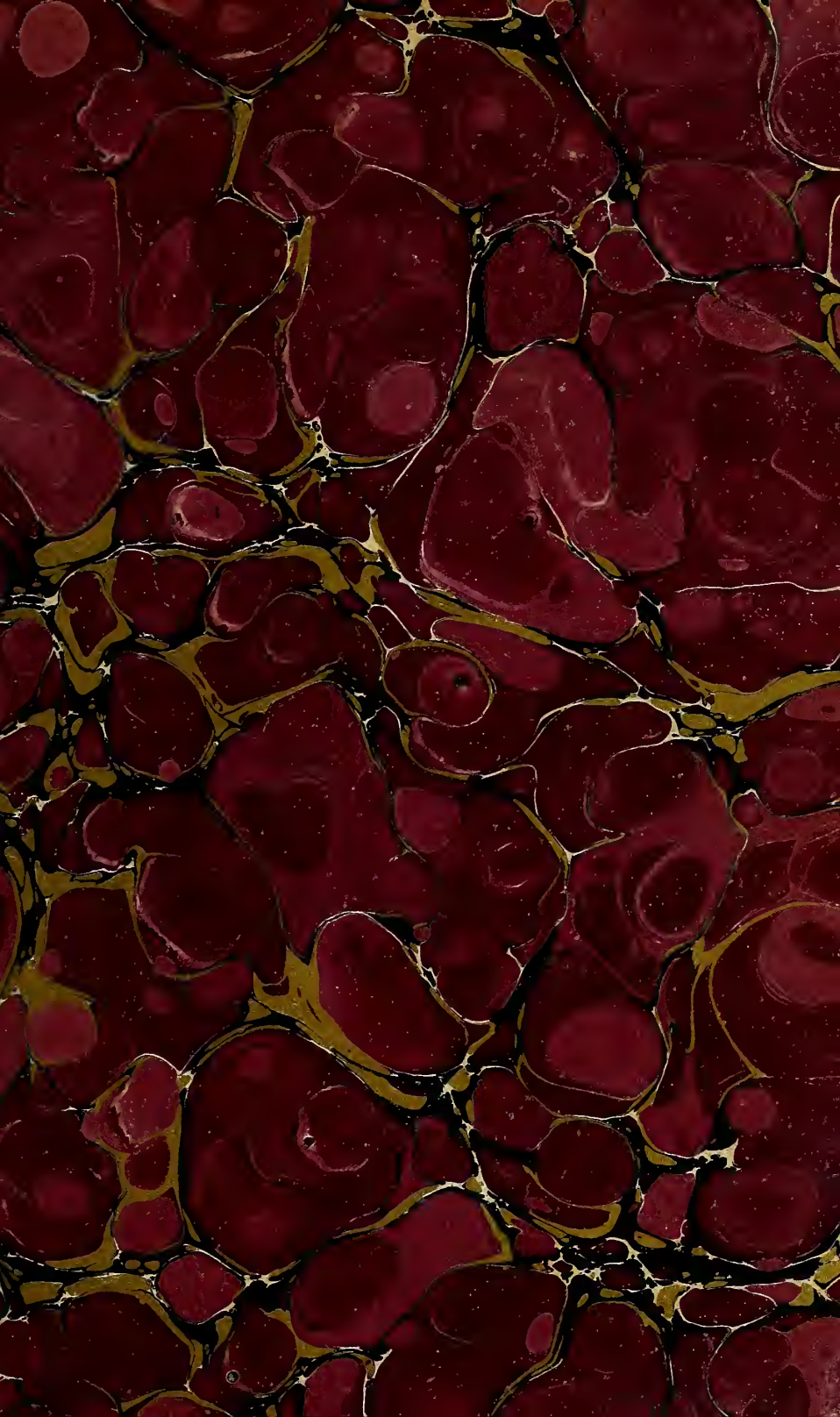


The background of the image is a traditional marbled paper pattern. It features large, irregular, rounded shapes in a deep red or burgundy color, separated by thin, dark, almost black lines. These lines are further defined by a network of fine, golden-yellow veins that create a complex, organic, and somewhat cellular appearance. The overall effect is rich and textured. In the center of this pattern is a plain white rectangular label.

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DEBATE

ON THE

CONVENTION QUESTION,

IN THE

House of Commons

OF THE

LEGISLATURE OF NORTH-CAROLINA;

Dec. 18 & 19, 1821.

TAKEN IN SHORT-HAND BY
JOSEPH GALES.

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DEBATE
ON THE
CONVENTION QUESTION.

HOUSE OF COMMONS,

Dec. 18, 1821.

The House formed itself into a committee of the whole, Mr. *Brickell* in the Chair, on the following Resolutions, submitted by Mr. *Fisher*, from Salisbury, on the 11th instant :

1. *Resolved by the General Assembly of North-Carolina*, That the representation of the people of this State in both branches of the Legislature, under the present Constitution, is greatly unequal, unjust, and anti-republican.

2. *Resolved*, That the Constitution ought to be so amended as that each citizen of the State should have an equal share in the rights of representation upon the principle of free white population and taxation, or of free white population, including three-fifths of all other persons.

3. *Therefore, Resolved*, That, at the next Election for Members of the Assembly, the people of this State, who are entitled to vote for Members of the House of Commons, be invited to vote at the said election, whether they are in favor of a Convention, or not, by writing on their ticket, *Convention*, or *No Convention*.

4. *Resolved*, That the Sheriff of each County in this State, or other returning officers, be and they are hereby directed, immediately after the next election, to ascertain the number of votes given for or against a Convention, and to make out a correct statement thereof, and transmit the same to the Governor, to be laid before the next Assembly.

Mr. FISHER said, before he entered upon the subject of the Resolutions, he must express his thanks for the very courteous manner with which the House had thus far treated his proposition. He could not forbear contrasting their conduct on this occasion with that of another body not far off; and he was proud that the comparison redounds so much to the advantage of this House. When a member, said Mr. F. rises in his place, and submits a respectful proposition, it is nothing but justice to give him an opportunity of delivering his reasons in its favor—it is common courtesy to let him be heard. But for the majority to arrest it at the threshold, and at once put it down, is neither justice nor courtesy.* Majorities

* Mr. F. alluded to the conduct of the Senate. When Mr. Williamson introduced Resolutions similar to those of Mr. F. that body refused to refer them to a committee of the whole House, or even to lay them on the table, but showed a disposition to reject them at once. On the next day, however, they agreed to consider the Resolutions.

should remember, that minorities too have rights. And, Sir, when the majority of a deliberative Assembly, in the true spirit of tyranny, prohibits debate, gloomy indeed is the prospect of an impartial decision at such a tribunal. In looking in on such a body, we are almost tempted to say, as is said of Dante's Hell, "Hope never enters here." But, if one branch of the Legislature has shewn us that we have nothing to hope from them, we may rejoice that prospects are more promising here—that in this House, we will at least be decently heard. Mr. F. said he regretted the occasion that had called forth these remarks. He would now proceed to the subject before the committee.

Sir, whenever a Convention is talked of, we immediately hear the cry of the sacredness of the Constitution—that it is the work of our forefathers, and, therefore, it is next to sacrilege to touch it. This cant is the chief argument used by many against calling a Convention, and, as there are some well-meaning persons on whom it has influence, Mr. F. said he would, in the *first* place, call the attention of gentlemen to the circumstances under which the Constitution was formed, and see if these were the most favorable for the accomplishment of a work of such magnitude. He would then proceed to point out some of the defects of the Constitution requiring amendment.

When we consider the state of things under which the Constitution was framed, it would be a miracle were it otherwise than defective. The whole continent was full of confusion; in our *own State* more particularly, the difference of opinion among the people ran high. The majority, it is true, were in favor of the new order of things, but there were many that still adhered to the old;—and *all*, from habits, from education, and early feelings, were strongly attached to the principles of the British Government—they still thought that the British Constitution and forms, were the wisest and the best. Sir, if it was necessary to stop by the way to prove the existence of these feelings, proofs are abundant. The very Congress that framed the Constitution furnish proofs. *That* body, in the most solemn manner, signed a *test* in which these attachments were declared. The Congress that met at Hillsborough, only twelve months before, also furnish proofs: they in like manner signed the test, acknowledging the British Constitution and Laws. [Here Mr. F. read several extracts from the Journals of the Congresses of Hillsborough and Halifax, to shew the feelings that prevailed in those bodies, and their high estimation of the forms and laws of the mother country.] But, continued he, besides these feelings,

strongly inclining that body to the adoption, in the new Constitution, of British and Provincial forms and principles, there were still many other embarrassments that surrounded them. They were engaged in a work to them new;—new indeed to the world. History furnished no example where any people had met together, under like circumstances, to frame a government for themselves. Constitution-making was, as yet, but little known. They were without the light of experience, or the benefit of the examples of the other States; for, as yet, but few of the States had formed their Constitutions. Under circumstances like these, is it at all surprising that the Congress at Halifax should form a Constitution partaking largely of the features and forms of the British institutions? Indeed, it was their design and policy to do so, in order that it might be the more acceptable to all classes of the people. In an address published by the Congress of Hillsborough, to the British people, we find the following sentiment. “*Whenever we have departed from the forms of the Constitution, our own safety and self-preservation have dictated the expedient.*”

But there is another fact that must be considered on this part of the subject. Mr. F. said, until within a short time, he had all along entertained the opinion, that the Congress of Halifax had been chosen and convened for the express and sole purpose of forming a Constitution. This was far from being the case. Judging from the Journals of that body, the formation of a Constitution seems to have been but a minor object of their attention. The Congress met and proceeded to business. In a few days, a committee was raised for the purpose of draughting and reporting a Bill of Rights, and the form of a Constitution. The Congress then resumed its other business, of which it had a vast crowd, such as naturally arose out of the state of the times, and the situation of the country. Thus they went on, until the committee reported the form of a Constitution and Bill of Rights, which were examined, amended, passed at short intervals their several readings, and finally adopted. Judging from the Journals, the whole time bestowed by the Congress on that subject, could not have equalled more than three or four days, at the most; and, out of two quires of paper containing the Journal, not more than three pages are taken up with the proceedings on the subject of the Constitution. After the adoption of the Constitution, the Congress continued in session for some time, devoting its attention to the many interesting and embarrassing subjects before it:—such as raising troops, providing the ways and means, hearing memorials, and settling the internal condition of the State. These things, said

Mr. F. I only mention, to shew the pressing difficulties that engaged the attention of the Congress, and how utterly impossible it was for them to bestow that time and deliberation upon the formation of the Constitution that its great importance required. Indeed, the examination of the journals connected with the consideration of these circumstances, must satisfy every impartial mind, that the framers of the Constitution only intended it as a temporary work—one that the people would examine, alter and amend, when the troubles of war would pass away, and the sunshine of peace be restored. But grant, for a moment, that the Congress of Halifax designed this as a permanent Constitution, then we must recur to still other circumstances to shew how next to impossible it was for them to form a Constitution that would suit the future condition of the State. The same feelings that now are called *Eastern* and *Western*, then, and long before, existed in the Province of North-Carolina. If they existed among the people, it is reasonable to presume that they were not absent from the Congress of Halifax. Indeed the journals of that body furnish proofs of the fact. In the several Congresses before that of Halifax, the votes were always taken by “Counties and Towns.” In that of Halifax, a proposition was made to change the mode so as that each individual member should have one vote. For this proposition every Western County voted—Against it, none but the smallest counties in the East voted. In the Congress that adopted the Constitution, 36 counties were represented; of these, only ten were Western: All that wide range of country lying west of Raleigh, was then divided only into ten counties. That body being thus composed, suppose that an effort had been made to fix the principles of representation on other basis than the present, what would have been the result? The same feeling that will influence members on these resolutions would have put it down: the vote, in all probability, would have been 26 against 10.

These, Sir, said Mr. F. were the circumstances under which our State Government was formed; and this accounts for the features of aristocracy that appear throughout the Constitution. In fact, few indeed were the alterations that the Constitution made in the then existing laws and polity of the Province: even the names were retained. The judicial department was but little altered:—and the Legislature not much more, except that instead of the “*House of Burgesses*,” the popular branch is called “*the House of Commons*,” a name as appropriate for this branch, as the *House of Lords* would be for the Senate. *The General Assembly* was the term by which the Legislature was called under the Provincial

Government, and it is retained in the Constitution. The qualification of fifty acres of land, and the representation by counties, were taken from the laws of the Province. In short, Sir, the Provincial laws and customs were the materials out of which the Constitution was built, and the Constitution is but little more than a compilation from these materials. And this is the monument of wisdom that we are told it is sacrilege to touch! Sir, it is right to reverence the work of our forefathers, but its being their work does not make it perfect: like ourselves, they were erring men; nor do I hold with the maxim of the "Holy Alliance," that "*whatever is ancient, is good.*" Even admitting that the Constitution was the best for the times in which it was made, sure its framers were not political prophets to foresee that it could suit equally well the conditions of future generations.

The old Congress, said Mr. F. that framed the articles of Confederation, the first American Government, was a body of men never surpassed for warmth of patriotism, clearness of intelligence, and force of sagacity; and yet, Sir, these men, with all their wisdom and foresight, formed a government that in a few years began to tumble to pieces:—to save our infant republic, a new Convention was called, and a new Constitution was adopted. How is it then, that the sages of the old Congress failed in their first government, and that the Congress of Halifax, should, at once have reached the point of perfection! It is not so;—our Constitution is full of defects; and I will now proceed to point out some of them.

To dwell upon all the defects of the Constitution, said Mr. F. would require more time, than he could at present command. He would, therefore, only take up a part, and leave a wild field for his friends to occupy.

Of all the objectionable parts of our Constitution, *the system of representation* is the most unjust and oppressive. Upon this, said he, I shall confine my remarks; and for the sake of being better understood, I shall consider, 1st. The representation of the people. 2dly. The representation of property; for the *theory* of the Constitution seems to be, the representation of the people in one branch of the Legislature, and of property in the other.

1st. Then as to the representation of the people. And here be it said, that in practice, the people are not represented at all. It is not the *people*, in the true meaning, it is the *counties*, that are represented. If the people were represented, numbers would form the basis of the system. The counties are as much represented in this House as the States are in the Senate of the U. States; but not upon the same principles,

or with the same propriety. The States are distinct sovereignties, and it is by compromise that they all have an equal weight in the Senate of the Federal Legislature ; not so as regards the counties. There is not a greater disparity between the population of Rhode Island and New-York, than there is between Columbus and Rowan: and yet, in that branch of the Federal Legislature where the people are represented, Rhode Island has only two members, while New-York has twenty-seven: but here in both the Senate and Commons, Columbus has as many members as Rowan—so that it is not the people, as a relative part of the whole, but the counties, as a kind of separate governments, that are represented. The original of this feature in the Constitution will be seen, when it is remembered that counties in the first settlement of the province, were separate and distinct governments—we have altered the theory, but retained the practice. This then is a relic from the old colonial system ; but, Sir, come from where it may, it is a system under the operation of which, our State government has ceased to be a Republic, and become a complete and perfect aristocracy. What is an aristocracy, but where *the few govern the many* ? Is it not essential in a Republic that *all* the citizens of the same grade of qualifications should have *an equal* participation in the rights and privileges of the government ?—and that a *majority* shall rule ? No government where these principles are absent, can merit the name of a Republican government ; and, Sir, it will not be difficult to prove that this is the case under our Constitution. To show that it is, said Mr. F. I ask your attention to a few calculations bottomed on the last Census, and on the revenue laws of the State. Let me here premise, that in all calculations made on population, the *free population* alone is taken ; for that is the only population entitled to representation under the Constitution ; and, when gentlemen are contending for the perfection of that instrument, they surely will not wish to assume data not recognised by it. Slaves are not felt in our Legislature, either as population or as property ; and where calculations are made to shew the operation of the system, we must confine ourselves to the provisions of that system. Mr. F. said he made these remarks, because some gentlemen may wish to assume the *federal numbers* as the data of calculations—an assumption which he could not admit.

View I. The State is divided into 62 counties, of very unequal extent and population,—yet each sending to the Legislature the same number of members—making in all 193, including the borough representation. The free population of the State is 483,912 souls, which, divided by the number

of members in the Legislature, gives to each member 2248 souls: or, in other words, every 2248 souls, upon principles of equality, would be entitled to *one* representative. Take this then as the ratio of one member, and how will the result appear?—Why! The counties of Washington, Jones, Greene, Chowan, Columbus and Brunswick, each would be entitled to one member, while, upon the same calculation, Rowan would obtain 9, and Orange 7 members. But take the free population of Greene or Washington, as the ratio that shall send 3 members; and, then, each of the little counties just named, will retain their 3 members, while Rowan will send 27, Orange 22, and the other large counties in due proportion.

View II. To the six counties just named, add Tyrrel, Martin, Lenoir, Hyde, Gates and Carteret, making twelve counties. These twelve counties contain a population of 38,037 souls, while Rowan and Orange contain 37,967, nearly the same amount; but these twelve counties send 36 members, and Rowan and Orange only 6, exclusive of the borough representation.

View III. We have seen that twelve small counties contain 38,037 souls; contrast this with the population of twelve large counties, viz: Rowan, Orange, Lincoln, Guilford, Mecklenburg, Stokes, Rutherford, Burke, Iredell, Randolph, Surry and Wake, with a population of 156,726. Thus 38,037 souls in certain small counties, send as many members to the Legislature as 156,726 souls, existing in a like number of large counties—the twelve large counties contain 118,689 souls more than the twelve smaller ones.

View IV. The counties of Washington, Jones, Greene, Chowan, Brunswick, Columbus, Tyrrel, Martin, Lenoir, Hyde, Gates, Carteret, Ashe, Beaufort, Bladen, Bertie, Camden, Currituck, Franklin, Hertford, Haywood, Moore, Northampton, Nash, New-Hanover, Onslow, Pitt, Pasquotank, Perquimons, Warren, Wayne, Person and Richmond, in number 33, contain 144,928 souls, just about *one-third* of the free population of the State; yet they send 99 members, which is a majority of the whole Legislature! Does it not plainly appear, from this view of the subject, that *one-third* of the population of the State completely govern and control the other *two-thirds*? What is this but aristocracy? The *few* governing the *many*: one third controlling two-thirds—making all the laws—appointing all the officers, judicial, executive and military? Again: the eleven large counties (omitting Wake) enumerated in *view 3d*, also contain about *one-third* of the free population of the State, viz. 144,041 souls: but these are

entitled only to 33 members, or 66 less than what the same amount of population, in another part of the State, is entitled to.

Is this, said Mr. F. justice, or is it republicanism? Is this giving to the citizens of different sections of the State an equal participation in the rights and privileges of the government? Surely not. But perhaps this system has its palliatives! Since we have not an equal voice in making the laws and appointing the officers for their execution, perhaps, by way of atonement, we are exempted from bearing an equal share of the burdens of the State? No, sir, we pay our full share of the taxes, and, in times of danger, we furnish our full quota for the public defence. Yes, we are *taxed* by *population*—but we are *represented* by *Counties*. What would gentlemen say, were we to propose as a law, that each county in the State should pay the same amount of Taxes into the Treasury, and in times of war, that each county should furnish the same number of men for defence? We would soon be stunned by the cries of injustice! injustice! And, sir, where would there be any thing more unjust or oppressive in this, than that each county should have the same share in making the laws! But let us see the proportion of taxes paid by some of the counties, in comparison with that paid by others. The counties of Columbus, Carteret, Currituck, Ashe, Tyrrel, Washington, Haywood, Hyde, Brunswick and Moore, ten in number, in the year 1819, from all the sources of taxation, as returned by the Sheriffs, paid into the Treasury \$4,195 85: while Rowan and Orange themselves paid within a fraction of \$5,000. But nothing more strikingly exposes the injustice of our system of representation, than the fact, that there are a number of small counties that do not furnish taxes enough to pay the wages of their own members.

The counties of Currituck, Columbus, Carteret, Ashe, Tyrrel, Hyde and Haywood, in the year 1819, paid into the Treasury \$2,607, and for the same year their members drew out \$3,441, or \$834 more than was paid into the Treasury.

Again: for the year 1820,

	<i>Taxes paid into the Treasury.</i>	<i>Pay drawn out by Members.</i>
Hyde	\$407 24	\$466 90
Tyrrel	384 29	435 40
Haywood	245 87	530
Carteret	406 09	449 80
Columbus	345 55	383 20
Currituck	460 62	468
Ashe	259 77	472 80
	<hr/>	<hr/>
	\$2,509 43	\$3,206 10

From this sum of \$2,509 43 deduct \$168 50 repaid to the Sheriffs of those Counties for mileage in attending to make

settlement, and you have the sum of \$2,340 93 as the amount paid into the Treasury for that year; while their members drew out the sum of \$3,206 10, or \$865 17, exceeding the amount of their taxes. The proportion of each county, the expenses of the judicial and executive branches of the government, is about \$4 65 annually; which added to the \$865 17 makes these seven counties an annual expense to the State of \$4,120 over and above their taxes. At this rate, from the taking of the census in 1820 to 1830, when another enumeration will take place, they will have cost the Treasury beyond their taxes, the sum of \$41,000, a sum not very far short of the whole amount of the taxes of the last year on lands and slaves. Now, sir, is there any thing just or equitable in a system that operates in this manner? Is it not enough that we must permit these small counties to equal powers with the larger ones—Must we actually pay them for making laws for us?

I shall, now, said Mr. F. leave this part of the subject, and proceed to the next branch of it—the *representation of property*. It is a principle now universally acknowledged, that property ought to be felt in the councils of the government: not to have a predominating influence, but a proportionate weight. One of the great objects in establishing government is for the protection of property, and nine-tenths of all the taxes that support government, are raised directly or indirectly from property. It is, then, nothing more than justice and good policy that property should have something like a relative representation in the councils of the State. Is this the case under our Constitution? Is the weight of property graduated and represented as it ought to be? Certainly not. One species of property only is represented, viz. land; and the land-holders have just double the weight in the Legislature, that population and every species of property put together, have. And to make the system still worse, even land is very unequally and unfairly represented: 1st, as to value. The lands of Gates, Columbus, Lenoir, Ashe, Haywood, Perquimons, Pasquotank and Tyrrel, containing 1,300,000 acres of land, in 1815 were valued at \$1,741,810. But the lands of Rowan alone were valued at \$1,870,142, and Halifax at \$2,802,513: And yet each of these poor counties have as much weight in the Senate as Rowan or Halifax. 2dly, as to extent. Rowan has a greater extent of territory than some four or five of the little counties just named—but she has no more influence in the Senate than either of them. Can there be any thing more unjust, than that the holder of fifty acres of the barren sand banks of Currituck, or the rocks of Haywood, not worth one cent per

acre, should be entitled to vote for a Senator, while the same privilege is denied to him that owns forty-nine acres of the rich bottom of the Roanoke worth \$50 per acre! How, sir, could this strange and unequitable provision have got into the Constitution? Like all the rest—a mere copy from the colonial government, Under that government, fifty acres of land was a qualification to vote for a Member of the House of Burgesses. By the act of 1764, which established by law the Church of England in the Province, fifty acres of land entitled a person to vote for Vestrymen; and by an act of 1723, only freeholders of fifty acres of land were permitted to keep a horse of a certain description. In fact, this freehold of fifty acres, seems to have been the general qualifier for all officers among the provincial law-givers; and perhaps for this reason it was carried into the Constitution. Thus land weighs down population, and all other kinds of property put together, while slaves, our next valuable species of property, is neither felt in the Legislature as property, nor as population.

Sir, said Mr. F. have I succeeded in shewing that there are defects in our Constitution, that ought to be amended? If so, why not do it now? Can there ever be a season more favorable for such a work than the present? We are at peace with ourselves, and the world;—no violent factions now harass and vex the passions of the people;—the public mind is at rest, save on this one subject;—feelings of harmony and liberality reign throughout the land. It is a time, indeed, that invites to a review of our political institutions. It would seem as if the genius of our Republic had lulled to repose the hydra of faction, on purpose to give her favorite people an opportunity to perfect their system of government; and, accordingly, we see our sister States availing themselves of the happy season. Massachusetts, that framed her government under more favorable circumstances than we did, has, nevertheless, revised her Constitution. Maine, her eldest daughter, has erected a new one. Connecticut, the land of steady habits, the people that are fond of ancient things and prejudices, has re-modelled her government, and made it more republican. The great State of New-York has just completed the important work, and given to the people a new and a better Constitution. Besides these, all the other old States have made important changes in their Constitutions, and all the new States have held Conventions and framed governments. What does all this prove? That the people of the other States do not consider their Constitutions perfect! How, then, does it happen that ours alone should require no amendment? And, Sir, after all, what is it we ask of you? Not to lay

violent hands on the Constitution, tear it to pieces, and scatter it to the winds of Heaven! No! only to put the question to the people. Will you, or will you not, have a Convention to revise the Constitution? Even if you doubt the propriety of altering the Constitution, surely you will not withhold the question from the people. If a majority of the people are opposed to the calling of a Convention, we will at once submit without a murmur:—If a majority are in favor of the measure, then, surely, there is not a man on this floor, so unjust and anti-republican, as to prevent it, even if he could. Then let the question go to the people—to the source of all political power, and whatever they determine, let us, like good republicans, submit to. What is it that our Eastern brethren fear from a Convention? Are they afraid to trust the people with their own rights? Are the people of North-Carolina less enlightened, less virtuous, than those of the other States? Are they less enlightened and less virtuous now, than they were forty-six years ago? Say not so!—It is a libel on the State!—on the march of the human mind!

But, gentlemen apprehend, if a Convention is called, that the power will fall into the hands of the people, and that a majority of them live in the West. Admit it, and what then? Ought the power not to rest with the people? And what have you to fear from the people of the West? Are our interests not the same? Are we not the same people? Are we not brothers? Can we in the West, adopt any measure, or pass any law, that will injure you, without, at the same time, injuring ourselves? Surely not! No: we expect nothing from a Convention but justice, but equal rights in common with the people in every other section of the State! These, Sir, are our claims, and are they not just, and reasonable? We appeal to your magnanimity and republicanism. The rights that we claim, were won by the joint exertions of our forefathers. Your fathers and our fathers mingled their blood in the same holy cause: they won the boon together. Why, then, will you, in dividing, claim the greater half? Where is that love of justice, and of right, that fired the bosoms of our *Nashes*, *Davidsons*, and *Moares*, and their generous compatriots?—Has it fled forever? Say not so. May it return and inspire our Eastern brethren with the influence of that sacred maxim, of doing unto others as you would wish others to do unto you. It is all we ask; give us but an equal participation with yourselves in the rights of the government, and we ask no more—this we ought to have, this we must have, and, without the smallest intention to menace, I may add,—this *we will have*.

MR. ALSTON said, as no other gentleman seemed disposed, at this time, to occupy the floor, he begged leave to submit a few remarks for the consideration of the committee upon this all-important question. He said he had listened with attention to the observations of the gentleman from Salisbury; but had not heard him state any grievance which any portion of the citizens of the State experience under our present Constitution. All that the gentleman complained of, is inequality of representation. But he did not state that any thing like oppression was felt in any quarter of the State on this account. Nor was it likely that any real ground of complaint on this head would ever exist; as the large and small counties were so situated in relation to each other, as to possess an unity of feeling with each other—their wishes were the same on most subjects which come before the Legislature. For instance, Rowan and Orange are large counties; but they have Iredell and Person adjoining to them, which are small ones; and so it is throughout the State; wherever there is a large county, there is a small one near it, whose interests are the same. So that nothing like oppression could be apprehended under the present system. Why, then, asked Mr. A. call a Convention, and by doing so convulse the State from one extremity to the other?

Connecticut, it was said, had amended her Constitution, and why not we do the same? But what was the situation of things there? Was it a mere inequality of representation that was complained of? No, it was a contest between Church and State; and the Church had been forced to the wall.

The State of New-York, who has lately revised her Constitution, had also been referred to. There was there to complain of, a Council of Appointment, consisting of four Senators and the Governor, which disposed of every office under the government. But there is nothing of this kind in our government; no complaint known here on the subject of appointment to office.

The gentleman from Salisbury commenced his observations by saying that our present Constitution was formed at an inauspicious period. For his part, if we were to have a Convention, he should be glad it could meet under as favourable circumstances as the framers of this instrument met. At that period, nothing was heard of Eastern or Western interests—all were united as a band of patriots and brothers in the same cause. But were a Convention now to be held, the same union would not exist. Some would insist on being represented according to free population, others according to federal numbers, others according to the fertility of our soil.

And, after all, he doubted whether so good a Constitution would be produced as that which we now enjoy. This Constitution guards and protects the rights, the property, and the liberty of every citizen; be he poor or rich, he is equally protected.

The gentleman from Salisbury had made an exhibition of large counties and small ones, in order to shew the inequality of our present representation. He would refer that gentleman to the Convention which sat at Halifax to form our present Constitution, and to that which convened in Philadelphia to form the Constitution of our General Government. In neither of these bodies was the distinction made between large and small counties, or large and small states. Each county had an equal weight in the deliberations at Halifax, as each State had in the Convention at Philadelphia.

In the Senate of the United States, the little States of Delaware and Rhode-Island have an equal voice with the large States of New-York and Virginia; and in case of no election being made by the people, of the President of the U. States, the choice is left to the House of Representatives, who vote, not according to their numbers, but by States; so that the smallest States have as much weight in that important election, as the largest. He believed the principle contended for by the gentleman was new, and yet had to be tried, that is, of being entirely represented by numbers.

The gentleman from Salisbury has undertaken to class the several counties, according to their eastern or western location, stating that one-third of the population of the State, in one section, has more weight in the government of the State than two-thirds in the other. Mr. A. could not accede to the gentleman's plan of dividing the State into eastern and western sections. He denied the existence of an eastern and western division. Once let us progress in the work of internal improvement, and if any sectional division existed, it would be found very different from that suggested by the gentleman. If he were to divide the State into sections, he should class them into four sections, as follows, viz: Ashe, Wilkes, Surry, Stokes, Rockingham, Caswell, Person, Granville, Warren, Halifax, Martin, Washington, Tyrrell, Northampton, Bertie, Hertford, Gates, Chowan, Perquimons, Pasquotank, Camden and Currituck, on the Northern boundary. He said he hoped to live to see the day when the produce of each of these counties would find the way to market through the same channel. There you find large and small counties completely intermixed, all possessing the same interest, and having the same object in view. A large county nothing to

fear from a small county, having an equal weight in the Legislature. He therefore thought it unwise now to disturb the right so long enjoyed, of counties being equally represented, when nothing like oppression had ever been experienced under the system. Wake, Franklin, Johnston, Nash, Edgecombe, Pitt, Beaufort, Hyde, Duplin, Wayne, Onslow, Greene, Lenoir, Craven, Jones and Carteret, he considered connected together in their views and interests. Orange, Guilford, Randolph, Chatham, Moore, Cumberland, Bladen, Sampson, New-Hanover and Brunswick, he classed as a third division, possessing the same interests; and Buncombe, Haywood, Burke, Rutherford, Lincoln, Iredell, Rowan, Mecklenburg, Cabarrus, Montgomery, Richmond, Robeson, Anson and Columbus, as a fourth division. Each of which divisions he viewed as closely connected in interest, and in the various plans of public improvement which had been contemplated in the State.

Dividing the State in this manner, which he thought was a natural and proper division, there would be no danger of small counties oppressing large ones, and it was unnecessary, therefore, to provide against so imaginary an evil.

The remark of the gentleman, that the poor man's fifty acres of barren land, gave him a privilege equal to the rich man's fifty acres of the most fertile soil, he did not consider as a defect, but an excellence in our Constitution. Mr. A. did not wish to live under a government where the rich and the poor did not enjoy equal privileges.

In conclusion, Mr. A. considered our present Constitution as a rich treasure, bequeathed to us by our ancestors, and he was desirous of handing it down to our children unimpaired.

Mr. J. HILL observed, that the Resolutions before the committee, simply recommending to the people the propriety of calling a Convention, for the purpose of amending our present State Constitution, were such as he most willingly and heartily concurred in: Resolutions well worthy the attention and deliberation of the Legislature, and of vast importance to the welfare and prosperity of North-Carolina.

That objections (said he) should be urged against an undertaking of this kind is not much to be wondered at, particularly, when we take into consideration the situation of our State, and the great diversity of interest which unluckily pervades it. But a more favorable opportunity for effecting an amendment to our Constitution, he believed, never had, and, perhaps never would occur. And if gentlemen were now disposed to view the subject with coldness and indifference, we

might hereafter, look in vain for its adoption, and at once make a surrender of all our pretensions to privilege and equality.

This (he said) was no new subject; it possessed none of the charms of novelty; and, perhaps many gentlemen were already so familiarised to it, that they were even now prepared to vote upon it, without hearing its discussion. If however, by discussing, (said he) any additional lights can possibly be thrown upon it, convincive of its propriety and expediency, it would afford to its friends a matter of some consolation.

Ours is a government, said Mr. H. which happily places all power and sovereignty in the hands of the people. Equal rights and equal privileges are accorded to all our citizens; and such no doubt was the intention of the framers of our present State Constitution. They wisely provided that each district or county should be represented in the General Assembly upon fair and equitable principles, and all alike have an equal number of representatives. But it was not at that time foreseen (for human wisdom could not foresee all the amendments that experience might prove to be necessary) that the immense emigration to the western parts of North-Carolina, and subsequent increase of population, would render some change or alteration necessary, in order to sustain that equality which at first was contemplated. Hence it was that sectional feelings and prejudices had arisen; hence it was that there existed in this State an eastern and western interest. It became necessary, therefore, to correct the present unequal representation of the people. And for this purpose, it is now proposed to submit to their consideration the propriety of voting at our next election, for or against a Convention.

Sir, (said Mr. H.) the right as well as expediency of recommending the measure under consideration, has more than once been questioned. If, however, (said he,) the gentleman from Halifax (Mr. Alston,) who was last up, or any other gentleman, could show to the satisfaction of the committee, that there existed no necessity for calling a Convention, he was willing to submit. But if the weightiest arguments of gentlemen in the opposition, were founded, as they seemed to be, in their acknowledged prejudice and pre-possession, he hesitated not to say that they were liable to the charge of inconsistency, and were utterly regardless of the best and dearest interests of the State.

Government we are told, (said Mr. H.) was instituted for the common good—for the protection, prosperity and happi-

ness of the people. Therefore, the people alone have an incontestable and unalienable right to institute government, and to reform, alter or totally change the same whenever their protection, prosperity or happiness may require it. And, if (said he,) there was any thing improper, or inexpedient, in recommending to the people the propriety of amending our present State Constitution, he for one, could not perceive it. The course, he thought, was perfectly a Republican one, as would readily be admitted by every one who had any idea of representative government, and if adopted, would not be attended with those dangers and difficulties which some imagined, but would secure to the citizens of North-Carolina that degree of influence and power, proportioned to their numbers, to which they were fairly entitled by every principle of honor and justice.

It has been said, Mr. Chairman, (observed Mr. H.) by those who are unfriendly to a Convention, that they could not support the measure, because they could discover no practical good which would result from it.

If sir, (said he,) gentlemen really believe that our Constitution is not defective, or that it is susceptible of no amendment, then, they may well be justified in opposing an alteration of it. But what (he would ask) was the object of a Republican government? Was it not to secure to the citizens of a country equal rights and privileges? And was this equality secured to the citizens of North-Carolina? Most assuredly it was not. The practical good effects, therefore, which would necessarily be produced by an amendment of our Constitution, are simply these: Our representation would be regulated in proportion to our population, and wealth, if gentlemen pleased to have it so; each section of the State would possess its due weight and influence in the Legislature, and all parties would be placed precisely upon an equal footing. But, perhaps, even this arrangement would not be agreeable to all; for it would be proposing to the members of the east, who at present rule, to surrender up a portion of their power, and such applications were well known to be unwholesome, and seldom attended with success, whether to individuals or States. It was to be hoped, however, that upon the present occasion, all sectional feelings and prejudices would be permitted to subside, and the paramount consideration of the public good alone prevail.

As to any objections (said Mr. H.) which may arise, relative to the constitutionality of this question, there can be no doubt. We do not propose, said he, to violate the oaths which we have taken to support the Constitution, by voting

ourselves for an amendment of that instrument. Our object is to shew to the people its defects, and to suggest a remedy. And where he would ask, was the impropriety of such a measure? Where the political profanation which was committed by such a transaction? Other States, said he, had never hesitated to change their Constitutions whenever the public good required it; and he could not conceive why North-Carolina should forever remain behind, indifferent to her own interest and her own dignity.

Mr. H. said he felt great anxiety upon this subject, because he believed no course was better calculated to enhance the credit and promote the general interest of the State. But he would now resume his seat, in order to afford to others, better qualified than himself, an opportunity of expressing their sentiments upon it.

Mr. HAWKS acknowledged the importance of the subject under consideration, and rejoiced with the gentleman from Salisbury, (Mr. Fisher,) that the House had manifested a disposition to give to it the consideration which that importance demanded. The Resolutions before the committee contemplated nothing less than to demolish at once, the venerable institutions of our fathers, and to substitute in their stead, that which might result from the superior wisdom of their sons; and under such circumstances, it appeared to him that the first enquiry ought to be, "are there defects in our present Constitution, and if so, what are they?" The gentlemen who had supported the Resolutions before the committee, had represented that instrument as "unjust and anti-republican in its operations;" but, Sir, (said Mr. H.) after searching in vain for that long catalogue of grievances, of which we have heard so much, gentlemen seem, by their silence on other points, tacitly to admit that the inequality of representation is the only obnoxious feature. Mr. H. said, he had been taught to believe that it was among the difficult points in the science of government to fix upon a principle which should equalize representation; but he had also been taught that a system founded upon a compound principle (if he might so term it) of population and wealth, approached nearest to perfection, and he now called upon those gentlemen who were willing to adopt this basis, to shew the inequality and injustice of the present system of representation.—He believed, that to shew it was impossible; and if, as he had stated, the friends of the Resolutions could find no other principle of the Constitution objectionable, it behoved them to pause and enquire what they were about to do. Sir, I will answer the enquiry.

We are about to touch with unhallowed hands the ark of our political safety, to set in motion the turbulent waves of faction, and throw the country into unparalelled confusion, merely to gratify the caprice of gentlemen who fancy they see evils which have no existence in reality.

Mr. H. said he would leave it to other gentlemen, who he knew would take part in this Debate, to answer those observations founded on official statements and numerical calculations which had been made in support of these Resolutions. But admitting, said Mr. H. that the complaint of our western brethren is just, that the present representation is not altogether equal; another and not less important enquiry suggests itself, "Is it *expedient, at this time*, to alter the Constitution; to say to the people, assemble in Convention and frame for yourselves a new form of government?" He hoped he should be excused for introducing to the consideration of the committee on the present occasion, as connected with this view of the Resolutions, an extract from the noblest state paper in the world, the Declaration of Independence. "Prudence indeed will dictate that governments long established should not be changed for light and transient causes, and accordingly, all experience hath shewn, that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed."

Forty-five years, said Mr. H. have rolled over our heads since the establishment of this Constitution.

And here let me pause, to ask who were its framers? They were those who lived in the perilous times that tried men's souls, who fought and bled to secure the liberties of their country, and who having once groaned under the oppressions of tyranny, best knew, by contrast, what liberty was.

When he called to remembrance these facts, he confessed, that to him it was an hallowed instrument. He had not said, nor did he mean to say, it should be deemed unalterable, but he was unwilling to alter it until he could have a perfect assurance that he would thereby make it better. But it was said, this is a *proper time* for undertaking the work of revising our Constitution, that all is peace, that no party feeling exists in the country. He thought very differently, and when he called to mind the dictatorial language of the honorable member from Salisbury, he was confirmed in his opinion. That gentleman had said, "let the members of this committee say what they please, we must and will have a Convention." When he heard such language as this, he was convinced that this was no time for entering upon the delicate business of

forming a new Constitution. He must say, such language pained his ear, and he did not expect to have heard it in this committee. Assemble a Convention, said Mr. H. and you carry into it all the exasperated feelings of the community at large, and particularly of those who for many years have been clamorous for a Convention. I tell you, Sir, those feelings it would be found difficult to control. In the present embarrassed state of the country, what security have we, for instance, that measures would not be adopted which would violate the obligation of contracts? I mention this as but a solitary example, which at this moment crosses my mind; God only knows the mass of evil which might result from a Constitution framed by angry men, who forgetful of what they owed to themselves and posterity, sought only to bring within their grasp political power.

Gentlemen say, give us a Convention, and we will give you a much better Constitution than we have at present.

It has been said, with as much beauty as truth, that "History is Philosophy teaching by example." Let us not, then, shut our eyes upon the hand of Philosophy when it points to the History of a sister State. Connecticut has lately formed for itself a new Constitution. It was his lot, Mr. H. said, to reside in that State at the time its Constitution was formed, and he had an opportunity of observing the result of an experiment in political chemistry: he had seen discordant and heterogeneous particles thrown together, which by no process could be made to combine, until all that was good was precipitated to the bottom, and there floated on the surface a worthless scum. Sir, said Mr. H. I believe the better part of the people lamented the adoption of that Constitution, and still sigh in vain for the restoration of that good which they have lost.

The gentleman from Salisbury had referred to the old articles of confederation, which having been found defective, had given place to the present Constitution of the United States; and this was urged as a reason why we should alter our Constitution. Those articles, said Mr. H. were formed by good and great men, but that which was built on *theory* it was found would not stand the test of *practice*—The only conclusion, therefore, fairly deducible from this historical fact, is, that *experience* is better than *theory*, and this conclusion is a weapon in our hands. The merit of our Constitution has been sanctioned by nearly half a century's *experience* and we are asked to destroy it to erect upon its ruins the speculations of *theorists*.

But it is said to be aristocratic and anti-republican— This is an extraordinary charge to be brought against the government of North-Carolina. There are two men now living in the United States, who may be termed the high-priests of Republicanism, Thomas Jefferson and James Madison— They live in the republican commonwealth of Virginia, and have had much to do in the formation of its government. And how, he asked, were delegates to the Virginia Legislature elected? No man is entitled to vote for them who is not in possession of a freehold. No murmuring voice has been heard to issue from these gentlemen at this state of things. I have only to say, in conclusion, sir, we *may* live to see our Constitution revised, and if we do, we *will* live to repent it.

MR. MOREHEAD said, this subject was one of great interest to the State, and on the decision of which no man could feel indifferent. It is a question which is calculated to call forth that kind of public feeling which is necessary for the welfare of the country.

MR. M. was sorry to see any thing like party feeling introduced into this argument. He must tell the gentleman from Newbern (Mr. Hawks) that he had misunderstood the remark of the gentleman from Salisbury, (Mr. Fisher) when he said we will have a Convention; it was not the language of *menace*, which he used, but of *prediction*.

If he could prevail on his friends from the East to attend dispassionately to a plain statement of facts, he should have no doubt of convincing them that our present representation is unequal and unjust, though they might still doubt the policy of the proposed amendment.

But the gentleman from Newbern has endeavored to excite an alarm in the committee, which was calculated to prevent a fair discussion of the merits of the question.

The gentleman from Halifax, (Mr. Alston) had compared the situation of our large and small counties to the States of New-York and Rhode-Island, under the General Government. [Mr. A. explained.] How are these States represented in Congress? Like the counties in this State in the General Assembly? No, Sir, the United States are each of them distinct and independent Sovereignities, whereas our counties are marked out by lines changeable at the will of the Legislature. Congress cannot divide a State, or interfere with it at all. Mr. M. hoped, therefore, this comparison will pass for nought.

Do we, asked Mr. M. see property represented in the General Government? No; the Senate is composed of men representing the sovereignty of the several States. Go, then,

to the House of Representatives. Is any thing like property there respected? No; nothing but freemen, with the exception of three-fifths of other persons, which was a matter of compromise with the Southern States at the time the Constitution was formed.

And is there any reason, (asked Mr. M.) why property should be represented in this government? If so, how would gentlemen have property represented? How is the Senate at present composed? Is it not the representative of the landed interest of the country? Is not this a sufficient representation of property? Would you have your slaves represented as in the general government? Would you have property represented in both Houses? If so, you would put it in the power of wealth to dispose of the destinies of your country.

But the gentleman from Newbern says that Mr. Jefferson and Mr. Madison, whom he calls the high-priests of Republicanism, live in Virginia, where no person unpossessed of freehold property is permitted to vote for a representative, yet he says they do not complain, nor are their unrepresented people less ready to fight the battles of their country. Sir! in the late contest with Great-Britain we have seen the sturdy yeomanry of Virginia *ordered* to Norfolk for her protection; we have seen them fall victims to the climate and to exposure; and they now lie mouldering in the dust, sacrificed by the laws of a country in which they had no voice; sacrificed by the laws of a State in which they were legislatively annihilated. Mr. M. said he admired the character of Virginia; he revered her sages; but he hoped he should not be considered as a political infidel, when he told the committee, he shuddered to think, that the poor freemen of his State should ever be excluded from the Legislative councils of the country.

To whom, ask Mr. M. did this Country belong, when it burst the British fetters and became independent? It certainly belonged to the whole community, and not to the wealthy alone. Why, then, should the people be deprived of any privilege for which they jointly fought and to which they are justly entitled?

Mr. M. believed, if he could assure himself that the situation of this State would always remain as it now is, he would not be in favour of calling a Convention; for no gentleman of that committee held the constitution more sacred than he did. He approached it with that awe, with which Moses approach his God while the thunders of Sinai were playing around him; he touched it with that diffidence with which the Israelites touched the ark of the Covenant. But the

foundation of our political Fabric is rotting; we must repair it in time, or in time it will tumble.

What, Mr. M. asked, was the situation of things at the time when our present Constitution was formed? The Eastern part of the State was almost the only part which was inhabited. The West had but few settlers. But our lands are now rising in value, and our population is every day increasing, while the Eastern part of the State remains much the same. Take us, said he, poor as we are, and where is the boasted superiority of the East? Mr. M. apologized for this remark; but said, the moment this subject was introduced, the gentlemen from the East made it a party question.

Mr. M. said, he had made a few calculations on this subject, which he would offer to the committee. In this estimate, he had given Granville to the West. He had considered Wake as neutral, as she ought to be. She is as much the darling of the West as of the East. He had made his calculation first as the gentleman from Newbern wished it to be, according to Federal numbers.

The total amount of population (including slaves and free persons of colour, is 638,829. The whole Federal population of the State is 556,839. The Federal population of the 27 Western counties is 305,013, which reckoning 2,993 persons to send a member, entitles them to 102 members, instead of 81, which they now send. The Federal population of the 34 Eastern counties is 234,100, which entitles her to 78 members only, instead of 102, which she now sends.

The Federal population of Wake county entitles her to six members. Representation, then, upon the Federal principle, entitles the West to 21 members more, and the East to 24 less than they now send into the Legislature, and Wake to 3 more.

Go to the next principle of representation; that of free white population and taxation. The taxes of the whole State (exclusive of clerks and auctioneers) is \$65,735 60. Taxes of the Western counties are \$31,184 9; of the Eastern, \$32,203 41; of Wake county, \$2,348 7. Estimating \$353 for each member, and the Western counties will send 88: the Eastern 91, and Wake 6.

Go to the next branch of the principle, that of free white population, to which the opposers of these resolutions have the greatest objection, and the Western part of the State, will be entitled to 31 more members than she has at present, and the Eastern part to 34 less.

For the total white population of the State is 419,200. The Western counties have 253,235, which, allowing 2,253 persons to send a member, will give her 112 members. The Eastern

counties have 154,014, which will give to them 68 members. The white population of Wake being 11,951, gives to her 5 members.

So that upon the principle of free white population and taxation combined, the Western counties are entitled to 100 members, 19 more than at present. The Eastern counties, to 79 members, which are 23 less than at present. Wake county, to 5 members instead of 3.

Then compound the representation of the Federal population, free white population and taxation, and the Western counties are entitled to 101 members, 20 more than at present, and the Eastern counties will be entitled to 79 members, 23 less than at present. So that, upon the very principles upon which the opponents of the resolutions contend, the West evidently labor under important grievances. But wealth is sufficiently represented in the Senate to afford itself protection. The representation of our state should be upon the principle of free white population, requiring certain qualifications in the representatives, and in the electors of one branch of the Legislature, barely sufficient to protect wealth.

Wealth fattens upon the necessities of poverty; it can bribe; it can corrupt: and whenever it shall have a predominant weight in our government, we may bid farewell to the boasted freedom of our Republic, and ignominiously submit to the yoke of Aristocratic Slavery.

The 34 Eastern counties having a free white population of 154,014, send to the Legislature 102 members; the 27 Western counties send 81 members, which in the same ratio of the East represent 122,229, leaving a balance of 131,024 free white persons, together with all the negroes of the West arrayed against the negroes of the East, and unrepresented. Add to this, Sir, the vast extent of the West, the health of the climate, the territory acquired from the Indians, the vast increase of the value of the lands and wealth of the West, from internal improvement; add these to the grievances under which we labor, and ere long they will become intolerable, not only to patriotism, but to patience itself.

When I predict, under these circumstances, a Convention will be had, can the prophecy be doubted?

We have now met the call of the gentleman from Newbern. Here is our grievance, which we wish to be attended to.

No man would be more unwilling, said Mr. M. than myself to touch the Constitution, if I did not think the occasion called for it, and that the time is peculiarly favorable. The proposition before the committee ought not to be considered in the light of a contest for power. We do not ask from our

Eastern brethren any thing to which we are not entitled. Nor would we ask for a correction of this grievance, if it were not constantly accumulating. For, to do our Eastern brethren justice, we acknowledge they have wielded their power with a great degree of justice and moderation, and it is hoped they will continue to do so.

It will be to the East, if we are ever invaded. It may be expected your protection will not be found in your negroes ; it will be found in yourselves, or in the strength of the West.

For equal rights and privileges our fathers jointly fought, and bled and died, and their bones now lie hallowing the soil for the freedom of which they fell a sacrifice.

But give us these, and when the demon of desolation shall hover around your borders, and the tragedy of Hampton is to be performed on your shores, call on your brethren of the West, and the mountains will roll their might to the main, carrying protection to your wives, your children, your homes and your country.

Mr. BLACKLEDGE observed, that he had not intended to take any part in the debate concerning the resolutions on the table ; how important soever their subject matter might be. He was anxious that the discussion should be restricted within very narrow limits ; for he feared that our sectional feelings and prejudices might be aroused and exasperated by a protracted discussion of this ungracious subject. On similar occasions, it invariably eventuated, as he believed, in harsh and angry recrimination. He dreaded these anti-national feelings ; he deeply lamented their existence ; he still more lamented, that our Western brethren should so studiously foster their growth, and increase their acrimony, by annually thrusting upon us this invidious contest ; when they must be sensible, that it will prove both unprofitable and unavailing. As he perceived, however, that the debate, contrary to his wishes, was about to take a very wide range, he felt it due to the few gentlemen who opposed these resolutions, on the floor ; and also due to his constituents, not to remain entirely silent.

I do not intend, (said Mr. B.) to enter into an examination, or attempt to detect and expose the fallacy of the gentlemen's arithmetical and statistical calculations. Though compiled with so much care, and delivered with so much confidence and complacency, he believed they were assailable. But he left that task to gentlemen who were more experienced and more able to execute it than himself : he knew there were such gentlemen, in their places, who were prepared to meet them, in due time, on that ground ; and to oppose them with statements of an opposite character.

Mr. Chairman, (said Mr. B.) I beg leave to call the attention of the committee to some remarks, made by the gentleman from Rockingham, (Mr. Morehead,) in reply to the able address which his friend from Newbern, (Mr. Hawks,) had delivered on the subject.

It will be recollected, Sir, that he (Mr. Hawks) had laid down as the proper basis of representation, a ratio combining both population and taxation—and, resting upon this basis, had called on the gentlemen in opposition to shew that our present Constitution is inconsistent or unequal. The gentleman from Rockingham has essayed to do it. Mr. B's present object was to examine whether he had done it satisfactorily. That gentleman, (Mr. Morehead) had extracted from his statistical budget, the facts, that there were, in the Western counties of the State, upwards of one hundred thousand freemen, more than there are in the Eastern counties; and that the Eastern have a greater number of representatives in the Legislature, than the Western counties. From these data he concludes that the representation is unequal; and that the Constitution should be altered to remedy the grievance. This, surely, is no answer to the argument of my friend from Newbern. However correct the conclusion might be, were we to assume population solely as the basis of representation, he needed not now to say—it was irrelevant to the question now in issue. But certainly when applied to the basis assumed, to the question in issue, the conclusion shot wide of the mark; it was false and illogical. But if the gentleman insisted that population, solely, should be the basis of representation, he confessed he differed from him essentially as to the correctness of the principle. He did believe, that in all governments, where the stability of its institutions was deemed important, it was found necessary that property, as well as persons, should be represented in the national councils. The protection of property was one of the strongest incentives to the formation of political societies; it was one of the most indissoluble links which bound us together as a society. It is property which mainly swells the State and National Treasury, by its liberal contributions; without which, indeed, both the State and the Union would crumble into ruins, from their own imbecility. It surely, then, should be duly protected; and it could not be properly protected without representation. Our own colonial experience has taught us this maxim, that nothing can be properly protected, unless its due weight is felt in the national councils; and the experience of all nations, who have had any correct notions of rational liberty, has stamped it with the impress of truth. Our govern-

ment is not a democracy ; a pure democracy ; nor did he conceive that it was the intention of the framers of our Constitution to make it such. It was impossible that a nation, as wealthy, as populous, and as widely extended as ours, ever could exist under such a form of government. It is, and was intended to be, a mixed republic ; in which, whilst the liberality and freedom of its principles were carefully provided for, its stability and duration were not neglected ; a form of government as distinct from democracy, as anarchy was from despotism. He hoped it would remain so—that the time never would come, when the privileges of a citizen and a freeholder, would be conferred on every vagabond who might wander amongst us, for he distrusted this vagrant patriotism—that we might never be reduced to the state described by a satyrist, more prized for wit than ingenuousness ; a state, “ where every blackguard rascal is a king.”

Mr. B. observed, that he believed the gentleman, (Mr. Morehead) himself, was not willing to go the whole length to which this principle of disorganization would lead him. He was induced to believe so from the second division of his argument. In this he assumed population and taxation combined, as the proper basis of representation ; and contended that out of our own mouths we are condemned. He begged leave to call the attention of the committee to this part of the subject. That gentleman, (Mr. Morehead) invites us to review the Comptroller’s report. He tells us that from this it is evident, that, (excluding the county of Wake,) the Western counties pay into the State Treasury a sum exceeding what is paid by the Eastern counties ; though by a comparatively small sum ; in fact, by what we may, on this subject, call a mere fraction, and hence concludes, that the representation is unequal, even on our own principles. Now, Mr. Chairman, said Mr. B. admitting that the gentleman’s data are entirely correct, he asked the committee seriously, whether, when *no* real or practical evil existed, it was prudent or wise to demolish a fabric as venerable and as time-honoured as our Constitution, solely for the purpose of attempting to rear another, whose symmetry or proportions might better please the eye ? Whether it were proper to burn that noble “ Magna Charta” of rights, which our ancestors have left us, because our self-complacency induces us to believe, that we could write another which might read more trippingly on the tongue, or look better upon paper ? Whether, in a nation comprising nearly a million of citizens, and many millions of wealth, because a mere fraction of either may not be fully represented, the very bonds of society should be dissolved ? the government itself should

be resolved into its original elements? and the Constitution, the Law and the Gospel, sacrificed on the altar of political experiment. Yet all this is demanded; and that, too, with no security as to what will be the event of the convulsion; with an utter uncertainty as to what may be the nature of the "shapeless monster," springing out of this chaotic confusion. With a possibility, nay, I may say, a strong probability that our situation will be deteriorated by the experiment. For I fear, that at least our wisdom and our patriotism would be found unequal to the task of preserving equal rights and national liberty, by throwing around them barriers as impregnable as those which our ancestors have erected. But to return to the gentleman's data. He denied that they were entirely correct. With the greatest respect for the gentleman from Rockingham, he must be permitted to observe, that though he had scrupulously told us the truth, he had cautiously abstained from disclosing to us the whole truth. It will be remarked, that up to this period of the debate, no mention has been made, by that gentleman or any other, of the vast sums of revenue which are poured into the lap of the general government, by the eastern section of the State. But without a reference to these, we could never arrive at a correct conclusion: for without them the premises were incomplete. He would submit a few remarks to the committee on this subject, with a view of elucidating the question. He believed he might safely assert, that the individual towns of Newbern, Wilmington, Washington and Edenton, paid into the national coffers more money than was derived from all the wealthy and widely extended regions of the West. He had no documents to which he could refer, for the establishment of this or any other facts of the same nature. He had taken no pains to procure them, for he did not expect to have shared in the debate. But he believed he hazarded nothing in asserting, that the excess which the Eastern counties paid into the general treasury, over and above what the Western counties paid into the same fund, equalled, if it did not exceed, the ordinary revenue of the State of North-Carolina. He insisted that the committee ought to take this fact into view, and to give it much weight, as bearing on the present question. Our relative representation in Congress is not affected by this excess of taxation; and it ought to be felt somewhere; it ought to be felt in this legislature. It is this sum paid into the treasury, which increases our navy, supports our army, and enables the administration of the union to carry all its functions into due operation; for the benefit both of the West and the East; for the general good. Giv-

ing then, this circumstance its due weight, taking this view of the subject, we perceive, that though their population exceeds ours, by more than one hundred thousand, yet we pay a double or triple quantum of taxation. And hence we may fairly conclude, that on the proposed basis of population and taxation combined, the present representation is equally proportioned between the Western and Eastern counties; at least as equally so, as is to be desired for any practical purposes.

Practical perfection, Mr. Chairman, is not to be expected from short-sighted humanity; least of all, is it to be expected in political combinations. It can exist no where but in the fanciful visions of political theorists. On any *practical* system of representation, there will always be a fraction of population or wealth, not as well represented in some places as in others. But if no practical evil result therefrom, or the disproportion is not enormous, it is unnecessary, nay dangerous, to call into action the rude and unsteady hand of reform. Both population and wealth, are necessarily very fluctuating in a country so new as ours: where such great temptations are held out to enterprize: where industry is daily discovering new channels, into which it can be more profitably directed; and where those local attachments exist, in so slight a degree, which, in older countries, bind their inhabitants, though poor and enslaved, with indissoluble ties, to the hearth-stone of their ancestors. From the operation of one, or of all these circumstances combined, a section of country, which now boasted of its population and wealth, might, the next year, be drained of both; and the ratio of representation, which one year was precisely just, would the next year in theory, at least, be odious and unequal. From the operation of the same causes, it sometimes happened, that in sections of the country where enterprize and industry had, for a long time, languished and slumbered in inaction, and wealth and population were at a dead stand; that a new impetus was given to both, from the discovery of some new source of employment. He believed that this was about to be the case in the Eastern counties; and that it would eventuate in equalizing the population of the Eastern and Western divisions of the State. It is well known, that there are immense bodies of wilderness in the Eastern part of the State, some of which have never been trodden by the foot of civilization. They afford the most fertile soils in the State, though now uncultivated. He believed they would not long remain so. The piercing eye of cupidity, was already attracted towards them; and gloated on the "promised land" with rapture and

delight. The genius of enterprise and labor, wearied with repose, had already aroused from inaction—and was preparing with renewed vigor, to address himself to the grateful labor. Experiments had been made; and these lands had been found to render an ample and abundant reward to the agriculturalist. Now, Sir, when under these auspices, our widely extended swamps and pocosons shall have been reclaimed by the hand of cultivation; when our deserts shall smile; and our wilderness blossom as the rose; (and ere long, I trust they will,) then Sir, I believe, that the scale even of population will preponderate in the East.

But we are told, Mr. Chairman, (said Mr. B.) that now is the accepted time to examine and amend our rotten Constitution—that in this interval of peace; this *æra of good feelings*, when no party excitement exists, we should address ourselves seriously to the task of altering the rotten patch-work of our ancestors: we are told also, that we are as wise and as patriotic; perhaps wiser and more patriotic than they were; and consequently, perfectly competent to perform that necessary, but irreverent duty. On this occasion, Sir, (with my friend from Newbern,) I cannot but advert with pain to the bold and peremptory language with which the gentlemen from the West denounce the Constitution; and I had almost said, menaced its supporters. We are plainly told, that if we do not consent peaceably to the alteration of the Constitution, *they* will forcibly alter it: if we do not vote for the resolutions on the table—*they* will have a Convention: *they* will destroy the Constitution. I have heard, (said Mr. B.) this language held out of doors; even there I heard it, with surprise. But he was grieved and dismayed, that in the face of the people in this hall, such sentiments and such language, should be boldly uttered and seriously defended. Does this language bespeak that cool and temperate spirit, that total absence of party feeling, or that noble disinterestedness, which submits to partial evil for the general good; which we ought to expect in a Convention? Or did these sentiments encourage us in believing, that in a Convention in these days, we could hope to assemble legislators as cautious and as wise; or patriots as pure and as single-hearted, as were they, whose names are subscribed to our present Constitution? He feared not. Much as he respected the friends of the Resolutions on the table: much as he respected his own Eastern friends, he confessed, he respected the patriots and heroes of '76 more: he had not sufficient self-complacency, to believe that we are as wise or as patriotic as they were; far less did he believe, that we are wiser or more patriotic.

And, on this score, the sentiments, proclaimed by the gentlemen in opposition, had perfected his belief—they had exalted it to faith. He feared, that the rapid increase of luxury and wealth; the wide-spread influence of Banks and other corporations; the prevalence of a spirit of faction in some places, and of aristocracy in others, had tended to sap the foundations of public spirit every where; and had thereby, in some degree, enervated and corrupted genuine republican principles.

Mr. B. asserted that it was unwise and dangerous to tamper with old Institutions, on any occasions but those of the most emergency; it was most unwise to sacrifice a positive good, for the existence of mere visionary evils. Constitutions ought not to be destroyed, for trivial reasons, or imaginary grievances. They were intended as a solemn record of principles: they should be fixed, lasting, durable, permanent. Not like municipal laws, which being applicable to the changeful transactions of ordinary life, should change as they do; and which the same power that breathed them into existence one year, might annihilate the next. They should not be placed in the power of the lordlings of faction—nor treated as the toys or playthings of ambition. He repeated it, they should not be altered or destroyed for aught, but real and serious grievances. None such existed. He called on the Gentlemen from the West to point them out if there were any. Though the preponderance of power is in the East, I ask them if it has ever been ungraciously exercised? Can the West complain of any unbrotherly sentiment which we have ever fostered? Any unkind, illiberal or unfraternal act, that we have sanctioned towards them? The Gentlemen from the West admit they cannot. They well know, that we are always ready to do their talents and merit ample justice, by the promptitude with which we confer upon them the offices of Government—in the improvement of roads and rivers, the public purse has been devoted almost exclusively to the West; its contents have been cheerfully distributed among them, with the most liberal hand, and the most lavish profusion.

To conclude, Mr. Chairman, (said Mr. B.) though my reason were not fully convinced of the utter impolicy of the resolutions on the table; which it most certainly is; the strong feeling of respect and veneration with which I have always regarded that glorious instrument; would induce me to hesitate long, ere, under any circumstances, I would assent to its destruction. When he called to mind, that it was the mantle, which was thrown around the first born of the Revolution, on its natal day; that it is the handy-work of the patriots and heroes who achieved our independence—the rich

reward of their toils, or the sacred price of their blood—and that it has protected us from our revolutionary cradle to a vigorous maturity, he confessed that he felt for it the deepest veneration. When he recollected, that it had resisted the encroachments of power, and the turbulence of faction; that it shielded us through the storms and troubles of a second glorious and bloody war, and still afforded its ample protection, whilst peace, and plenty, and happiness, smiled on all our borders, the strongest confidence in its excellence, was added to his veneration. Feeling these sentiments, and feeling them deeply, he trusted that he should never stretch out an unhallowed hand to assist in its destruction.

MR. LEAK—Never did I arise on an occasion in which I felt a greater distrust of my own abilities, than the present; a feeling naturally arising in my breast when I consider the vast importance of the question that is agitated; when I consider the importance of that principle, that is about to be involved in the final determination of the resolutions on your table; that principle that is about to receive a legislative sanction so completely subversive of legislative rights.

Yet I must confess at the same time, notwithstanding this self distrust, notwithstanding my own inability to wipe away the local and sectional feeling already roused by the discussion of this question, and which when agitated, seems to respond with reanimated vigor from every bosom. I say I confess I was never propelled forward by a stronger stimulus. I never felt a more irresistible inducement on entering the wide field of debate. Whether it proceeds from ignorance, or that I am animated by the justness of the cause, I shall not here determine. But here let me declare, that if I thought our essential welfare and privileges as a free and enlightened people demanded it not; if I thought the principle of a representative and popular government, corresponded with the situation in which the freemen of North-Carolina are placed; if I thought I could in any way discharge the duty which I owe, the obligation which I conceive myself to be under to the constituents whom I have the honor to represent, without participating in the unpleasant discussion of a question which has already given rise to a sectional and local feeling, I positively affirm it would be my choice.

In our taking a comprehensive view of the Constitution under which we live, we need not have pointed out the defects existing in that Constitution. We need not be told, as we repeatedly have been this day, that some of its provisions are deficient. We need not be told that equal representa-

tion, founded upon the principle of free white population, or upon the mixed principle of population and wealth, can ever be attained under its fostering care. The most superficial glance will corroborate the assertion, and prove to the world, that it is not imaginary, that it is not the wild and capricious whim of fancy, but that it is the steady and unerring hand of wisdom that tells us to suffer not the most minute infringement of our rights. "For the leading defect in all popular or republican governments, is the want of a proper jealousy of the minutest infringements of popular rights."

Let facts speak for themselves, and when these facts are adduced, let that contracted and illiberal spirit of sectional feeling which characterizes us this day, be thrown aside, and let impartial feelings usurp the beam, and unprejudiced reason determine facts. Let arguments be governed by their weight, by the conviction they carry with them, and by that criterion let them rise or fall.

When under the auspices and protection of Divine Providence, these former colonies became free and independent States; when our forefathers resolved to shake off the shackles of ministerial oppression, or sacrifice their lives on the altar of liberty; when those chains of oppression that held us down, those bonds of political association, were burst asunder, it became necessary to establish some laws to prevent anarchy and confusion, to prevent unrestrained liberty from degenerating into licentiousness, for licentiousness is nothing but an ebullition, an excrescence of liberty; it is a speck in the political body, which if suffered to rage uncontrolled, spreads its contagious influence, and, like "Aaron's serpent, swallows up the rest." It was then the people claimed to themselves the right of establishing a free and independent government; a right inherent in themselves, and "formidable to tyrants only." At this time we had just emancipated from the colonial shackles of England, we had just emerged from that political thralldom which had like to have enveloped us in the besom of destruction. It was at such a time the Constitution under which we live was framed; it was in times of difficulty when it was impossible for that reflection and mature deliberation to be exercised, which the importance of the subject demanded; for at no time is it an easy task to frame a code of laws which can buffet the billows of popular rumor and discontent; much less such an one as in its nature has to accommodate the various changes through which we have passed. The more simple idea of order and equity were at that time sufficient to guide those venerable heroes in the revolution, in the formation of a code of laws calculated for the internal administration of justice. But equality of repre-

sentation, the very basis on which all republican governments are founded: equality of representation, that very principle (which does not even appear to be well understood at this enlightened day, or if understood, is treated with indifference) is in its nature more intricate and perplexed, and requires long experience, together with a conversant knowledge of history, to be well understood by any person.

It has been stated to us by the gentleman from Salisbury, (Mr. Fisher) that serious defects do exist in the constitution, which cry aloud for redress, and that the only method by which redress can be obtained, is by a Convention. This is certainly true, for if it is defective, it can be remedied only by the delegated powers of the people. The sovereignty is in the people, consequently the people have an indefeasible, an unalienable and an incontestible right to modify, change or annul any form of government which does not go to secure the liberties of the governed. If this position, then, can be true, and that it is there is no gentleman on this floor will deny, it is equally true, that every thing that comes in contact with that power, that every thing that prevents the people from having their due weight in legislative proceedings, is a grievance contrary to the spirit of a Republican government, and which the people certainly have a right to consult together for the common good and redress.

There are in this State, 62 counties, containing a white population, according to the last census, of 419,200. Thirty-five of these counties, (which we will denominate Eastern) contain a white population of 164,976; and the remaining twenty-seven, which we will call Western, contain a white population of 254,224. This division will be observable on a Map, by having drawn a North and South line from Warren county to the South-Carolina line, which will intersect Warren. Wake, &c.

If the aggregate amount of white population, viz: 419,200 be divided by 186, the number of representatives elected by the 62 counties, excluding the borough towns, it will give 2253, as the number each man ought to represent, and the 27 counties, which now have 81 representatives, by this mode of calculating ought to have 112, and the 35 counties which now have 105, ought to have only 74.

But as we stand at present, you will find, if you will take the aggregate amount of the Eastern white population, and divide it by the number of representatives they now have; and take the aggregate amount of the Western white population, and divide it by the number of representatives we now have, you will find, I say, that every 1571 souls in the 35 counties before alluded to, have as great a share in enacting

laws, and have the same weight in our legislative body, as every \$139 in the remaining 27 have. How to reconcile this with my notions of a republican government, I confess I am somewhat at a loss to determine, if the white population is taken as the correct principle on which to build a representative government, and it certainly should, in most cases, be the very pivot on which they turn. The number of representatives that each county would be entitled to, upon the footing of equal representation, would be as follows:

Anson	3	Caswell	3	Lincoln	6	Robeson	2
Ashe	1	Chowan	1	Lenoir	1	Richmond	2
Beaufort	2	Duplin	2	Moore	2	Randolph	4
Bertie	2	Edgecomb	3	Montgomery	3	Rutherford	5
Buncombe	4	Franklin	2	Martin	1	Rockingham	3
Burke	5	Guilford	5	Mecklenburg	5	Rowan	9
Brunswick	1	Gates	1	Nash	2	Stokes	5
Bladen	1	Greene	1	Northampton	2	Sampson	2
Cabarrus	2	Granville	3	N. Hanover	2	Surry	4
Columbus	1	Haywood	1	Onslow	1	Tyrrell	1
Currituck	2	Hertford	1	Orange	7	Warren	2
Craven	2	Hyde	1	Person	2	Washington	1
Camden	1	Haliuax	2	Pasquotank	2	Wake	5
Carteret	1	Iredell	4	Perquimons	2	Wilkes	3
Chatham	3	Johnston	2	Pitt	2	Wayne	2
Cumberland,	4	Jones	1				

By this calculation, we have returned 162 members, omitting fractional parts, which operates as much against the large counties as the small. Which shews us the number each county would be entitled to individually, and the 27 counties collectively, would have 100, and the 35 would have 62. But, as we stand at present, the Eastern counties, with a white population of 164,976, have a greater share in enacting laws, than the Western counties have with 254,224. If this, then, is consistent with the genius of republicanism, I confess it is a political phenomenon hitherto unknown to me, and if it is, I sincerely hope that I may never belong to that clan. But it is stated by gentlemen of the opposition, that representation ought to be apportioned upon the mixed principle of population and wealth. In answer to this argument, I say, already have we the wealth of the State sufficiently represented in the House of Senate; and, indeed, it appears to me, that this is another aristocratic feature which lugged itself into our Constitution. In the 7th section of the Constitution it is expressly declared, that no person shall be entitled to vote for a member of the Senate, unless he is possessed at the same time, of 50 acres of land.

But it is also stated that in the representation for Congress, the black population is taken into consideration. This is certainly true; but I will ask the gentlemen that advance this, whether it was done from motives of equity, or motives

of policy? whether it was done from a conscientious belief that they were entitled to representation, or from a knowledge that the Southern States would not enter into a compact, would not enter into a political union, without some guarantee of this species of property? If, then, this is quoted as a precedent upholding the principle of mixed representation, I answer that that precedent had its origin in necessity; that it was founded, not upon political right, but rather political expediency; that had we not had that provision in our Constitution, that that species of property, then held as valuable, and in which our wealth mostly consisted, would ere this have been loaded with excise upon excise, to such a degree as would have rendered them a burthen on our shoulders. In this light do I view that clause, as a *sine qua non* condition, as a kind of compromise between the Northern and Southern States.

I do not wish here to be understood as disapproving of that principle in the federal government, for the situation of the times rendered it indispensable—but I do not wish it quoted as a principle upon which we are to build our political tenets of right or wrong, unless it undergoes this explanation. It is rather an appeal to our interest than to our judgment; it is an indirect attack upon that part of our political rampart which of all others is most vulnerable, viz. our avarice.

But for the respect I have for the opinion I entertain of the gentlemen of the opposition, which compels me to bow with implicit confidence to their superior talents, we will see how that affects the matter under discussion. We will see whether in point of federal numbers, or any other calculation, if the scale does not preponderate to the West.

The federal population of this State is 551,007, which, if we divide by the same number of representatives, 186 will give 2962, which, if we then divide into the federal population of each county, will give the following result:

Anson	3	Cabarrus	2	Tyrrel	1	Wilkes	3
Ashe	1	Caswell	3	Wayne	2	Wake	5
Buncombe	3	Duplin	2	Hertford	2	Mecklenburg	4
Burke	4	Edgecomb	3	Haywood	1	Martin	1
Beaufort	2	Franklin	2	Iredell	3	Moore	2
Bladen	2	Guilford	4	Jones	1	Montgomery	2
Bertie	2	Granville	4	Johnston	2	Northampton	3
Brunswick	1	Gates	1	Lenoir	1	Nash	2
Camden	1	Greene	1	Lincoln	5	Robeson	2
Cumberland	3	Hyde	1	Person	2	Rowan	8
Currituck	2	Halifax	4	Perquimons	2	Surry	3
Carteret	1	New-Hanover	2	Rutherford	4	Stokes	4
Columbus	1	Onslow	1	Rockingham	3	Sampson	2
Chatham	3	Orange	7	Richmond	2	Washington	1
Chowan	1	Pitt	2	Randolph	3	Warren	1
Craven	3	Pasquotank	2				

The above table returns 151 members, and shews that the twenty-seven western counties which now have 81, are entitled to 88, and the thirty-five eastern counties which have 105, ought to have only 63. In this, as in the other table, fractional parts are omitted.

Having now sufficiently proven the inequality of representation, not only on the basis of white population, but on the principle of population and wealth; I shall next proceed to touch at a few of those points in our Constitution, which, in my opinion need amendment. This I am under the necessity of doing, having been already anticipated in some of the remarks, that I wished to suggest to this committee, on this occasion, and which it is with pleasure I have seen, have been placed in a more advantageous position, than I could have done myself.

It has been stated by the gentleman from Newbern, as a proof of the excellency of the Constitution, under which we live, that experience has tested its utility—that it has protected us for near half a century, from convulsions without, and intestine divisions within—that under its fostering hand, have we arisen to almost the pinnacle of fame. This is partly true, but, still it does not prove that the people of North-Carolina do not labor under any inequality in their representation; it does not prove that 2 and 2 are not 4. All this might possibly have been attained under a government more aristocratic than our own, and experience is about this day to teach us the cause of its duration; it is about to shew us, that mankind are ever more disposed to endure evils whilst evils are tolerable, than to resort to new and untried projects.

The Constitution, in the 14th section, declares, that the Senate and House of Commons shall have power to appoint the general and field officers of the militia. Of the impropriety of this section, I trust every gentleman in this House will concur with me.

Whenever any power is taken out of the hands of the people and vested in any other tribunal, it is done upon the principle that the exercise of that power would be abused by the body from whence it is taken.

Let us see how far this, then, accords with the office in point. Can any gentleman on this floor pretend to doubt, for a moment, that the people of North-Carolina are not better capable of choosing their militia officers, than the legislative body is? Can it be conjectured, that the different divisions and brigades of the militia, are not reasonably supposed to be better capable of judging of the qualifications of the opposing

candidates, than this Legislature is? Besides, it is one of the principles of a popular government, where the power is vested in the people, and where the people claim to themselves the privilege of exercising that power—that merit—that qualification—that private respectability should be the only passports to honor and preferment. Which, then, are most liable to disregard these requisitions, the legislative body or the people. Let a man but strut the soldier, or ape the hero, a few days, and any office which this body can bestow, will be thrown upon him. It is not that we make a wanton abuse of our authority, but it is that we have not the opportunity of judging. If you want a stronger proof of this abuse, turn your eyes to the melancholy, to the degrading state of your militia. See if you cannot recognise among its officers, some men without one ray of military science, without one claim to private respectability.

Then before you can withhold from the people the right of electing their own militia officers, you must give some additional proof of the benefits resulting from the present mode of election.

There are cases in which certain powers would be best to be lodged in the breast of this legislative body. Such, for example, as the Judiciary appointments. And this is for the best of reasons, for the people collectively are not presumed judges of their qualifications. But the question before us is one in which they are the only judges, where the different merit of the candidates is the subject of every day's discussion. If gentlemen doubt the propriety of this mode of election, I would refer them to South-Carolina for an example, to that state from which we may draw many useful lessons. There the people are trusted to elect their own officers, and they never yet have abused that trust. To such a pride is military discipline carried in that State, that men of the greatest wealth and highest respectability seek even subaltern commands.

The next question to which I would call the attention of this committee is the appointment of Judges. The 13th article of the Constitution declares, that the General Assembly, by joint ballot of both Houses, shall appoint Judges of the Supreme Courts of Law and Equity. My objection to this section is not the mode of appointment, for I have before said that is and ought to be vested in this legislative body. But it is the difficulty of removing them from office in case of inability or any other sufficient cause. I confess that I here recommend the innovation of an important principle; and I wish that my experience enabled me to speak with greater

certainty. But when we want experience we have to apply to precedent; we look to see if others have ever realized the evils which we strongly anticipate. In looking over the Constitutions of the different States, we find that Vermont has not only gone so far as to declare that no Judge should retain his office after having attained the age of 70 years, but she has declared that no Sheriff should; considering that some limited time should be placed, at which it is reasonable enough to suppose that they are incapable of discharging the duties of the office. Kentucky can tell you in the 3d section of the 4th article of her Constitution, that in her State the Judges hold their offices, as in ours, during good behavior; but that they, for any reasonable cause which shall not be sufficient ground of impeachment, shall be removed from their offices by the Governor, upon the address of two-thirds of both houses. And Kentucky can also tell you that it affects not their independence.

On former occasions, the election of Chief Magistrate has been urged, and I can see no impropriety in that being left to the people. For a free and enlightened people to assemble together and deliberately choose from among their citizens some one to fill the executive chair is at all times a crisis of republicanism truly enviable.

The President of the United States is elected by the people, and by those very men whom you refuse the right of electing their own Governor. And if I mistake not, every State in the United States, with the exception of five or six, elect their own Governors. And are we so basely ignorant that we cannot be allowed this privilege? I trust not. It is true it may be said, that a taint has been given to that election, that renders it little more than nominal; but let it be recollected, that the fountain may be pure, although the stream may have been polluted, and no matter from what source the pollution comes, whether it fulminates from the dictatorial nod of a caucus, or reverberates from the still more dangerous spirit of party, it ought not to destroy the correctness of the principle which has been bequeathed to us by our ancestors.

If none of these reasons have any influence with the gentlemen of this House; if a complete demonstration of the inequality of representation is treated by them with a sneer of indifference; if you are predetermined to close every avenue to your understanding, is no weight due to the opinion of a respectable part of your citizens? Do they come forward with an imaginary evil, saying such and such exist, without being able to prove it. No; no such thing. The very ground on which they have taken an immovable stand, is inequality

of representation ; and we call upon you to prove to the contrary. Where, then, is the impropriety of recommending it to the people ? Are they less enlightened, or less patriotic than those that framed the Constitution ? No, I trust that the same spirit which animated that immortal Hero in the revolution, whose portrait graces our Hall, is warmly burning in the bosoms of his sons.

MR. J. D. JONES could but admire the zeal and perseverance of the gentlemen who advocated the resolutions on the table, in so often obtruding them on the notice of the Legislature, after their having been so repeatedly rejected ; it is a zeal worthy of a better cause. Did the same spirit manifest itself for compensating public officers, and promoting works of general public utility, North-Carolina might vie with the proudest of her sister States ; we would not so long have had our feelings outraged by seeing the price of blood resorted to for paying the prosecuting officers of the State ; and a petty tax on auctions made a revenue for compensating one class of Judges, while the other, literally the hack-horses of the public, is without any adequate compensation at all.

It was, perhaps, his misfortune to entertain very serious doubts, concerning the good policy, or the beneficial results to be calculated on from the passage of the resolutions on the table. To his mind, they were replete with mischief. To his mind, they bore within themselves, principles at war with the well-being of the community ; that they were calculated to jeopardize the best interests of the country, the safety and happiness of the people.

It is an old, and well approved maxim too, said Mr. J. to let well-enough alone ; or, to borrow the language of the venerable Jefferson, just quoted by the gentleman from Richmond, (Mr. Leak) “ it is better to suffer even evils, while evils are sufferable, than to right ourselves by abolishing the forms to which we are accustomed.” After having progressed thus far safely, and he might add, happily, under our existing Constitution, it really seemed to him a species of phrenzy, exceeding madness, to attempt to new model the Constitution at this time. The business of renovating a Government, was a task to which few were competent ; it should be resorted to upon the most pressing necessity only ; it should be made the extreme medicine of a State, the last appeal of oppressed humanity. But, Sir, to apply this harsh remedy, this strong dose of mercury sublimated, on trivial occasions, could not be justified on any principles of sound policy.

The evils complained of in the resolutions, are but of an ideal, imaginary nature ; they appeared to him to have grown out of that restlessness of disposition inherent in our nature, that fondness for change and innovation incident to the characters of some men. It is human nature never to be acquainted with its own happiness : in the absence of real afflictions, we go in search of fancied ills. The Constitution and the Government under which we live, are as mild as meekness could wish them ; and yet to hear gentlemen speak of their grievances, you would really suppose, that this was not the mild and rational Government of North-Carolina, but the meridian of Asia and of Asiatic tyranny.

What are the mighty evils complained of ? The most prominent among them is the inequality in the representation of the counties. We are told that the great county of Rowan, the *Monsieur Tonson* of the Legislature, magnified in importance almost to the dominions of the Great Mogul ; we are told, Sir, that this mammoth county sends but three members to the Legislature, while each trifling county in the East sends as many, not adverting that they have little counties also in the West ; for it is equally a fact of record, that they have counties in that section of the State, so thin in population, and lean in revenue, that they do not pay into the coffers of the treasury enough to compensate their members of Assembly.

Besides, the balance of population in favor of the West is not so very frightful ; and when we take into view the comparative wealth of the East, the large amount of revenue paid into the treasury, the inequality between the importance of the two sections of the State is not very great, and he did not think gentlemen should envy the Eastern members the little weight they had in the Legislature.

But without insisting that wealth was any basis of representation at all ; even admitting all that gentlemen contend for ; even conceding there is the inequality complained of, still he denied it as a just ground for new-modelling the Constitution.

Is there not, asked Mr. J. a greater inequality in the representation to the national Legislature ? Do not the petty states of Delaware and Rhode-Island send as many Senators to Congress as the great States of Virginia, Pennsylvania, or of New-York ? If the evil be tolerated in the General Government, much more is it to be suffered in a State Government. It is impossible, in the nature of things, to apportion political justice with mathematical precision ; we cannot weigh it out in scales ; there must be some preponderance,

some inequality in the surface. Nature herself, the great mass of wisdom, is full of irregularities.

Every member of this committee must know, that the powers to be delegated to this body are of a dictatorial kind, that they are above law and above the Constitution; but we are told there is no danger that they will exceed the bounds of propriety. Sir, we have no security for this; can gentlemen enter into a bond obligatory to the people, binding upon the Convention? Will any man dare to lay his finger upon a limit, and say to them, as God said to the waters, "Thus far shall ye go and no farther?" No, Sir; once constitute them, and they are supreme; once organize them, and no man dare prescribe them limits.

What is the temper, Mr. J. asked, of the present time? Will that temper justify a resort to the measure? He thought not. When our Constitution was formed, there was no talk of Eastern and of Western interest; our wise forefathers took a comprehensive, an impartial view of the whole ground, they therefore formed a Constitution to suit the whole people, and not a section of them. Not so now. Ill blood and jealousies are stirring among us; every member will carry into this Convention, as into a common stock, his private passions and his private partialities; each section of the State will have its local views to compass; the West will be arrayed against the East, and the East against the West, and out of these jarring, discordant elements, what kind of a compound of a Constitution was to be produced, he was unable to tell; but feared the birth would be of the monster kind.

If, said Mr. J. the East has the exercise of the political power of the State, it must be acknowledged we use it with moderation. Have the Western gentlemen evidenced the same disposition? Would they be equally moderate had they the predominance? He doubted it. For, Sir, said he, even in this debate, with all their caution, unfortunate expressions have fallen from them, which sufficiently betray how little they are disposed to lenity in the exercise of power. Is it not common talk, that unless we surrender our opinions and our judgments to these mighty men of the West, these sword and buckler Myrmidons of the Mountains, that some moderate Tamerlane or Atilla from among them, would rise up and overwhelm the devoted land of the East? That they would literally, Sir, sweep us from the tombs of our fathers? Really, Mr. Chairman, said Mr. J. menaces of this kind are less calculated to make an impression on the Eastern section of the State, than arguments which have more temperance and moderation stamped upon the face of them. Menaces of this

kind, Sir, are calculated to irritate, not to sooth ; instead of mitigating, they increase contumacy. It is an old and somewhat musty proverb too, that " a child may lead a horse to water, but ten men cannot make him drink," so it may be with us, Sir ; we may be persuaded into this measure, we cannot be coerced ; we may be led, not driven. A little more than twelve months ago, he could not in his heart have believed, that there existed in the State of North-Carolina, a man so utterly lost to its true interests—so utterly dead to all sense of moderation, as to suggest even the *possibility* that this question would be staked upon so ruinous an issue. I say, Sir, said Mr. J. I could not in my heart have believed it ; until about that period, my eye caught a paragraph extracted from a Western paper, where an anonymous writer calls upon the people of the West to take up arms against the people of the East, and to dragoon them into a compliance with their measures, if other means will not prevail, and invoked the spirit of '76 to aid them. He would ask whether it was not the spirit of an incendiary, who applied a torch at midnight to his neighbour's dwelling, of an arch-fiend of hell, who delights to see brothers sheathing their swords in each other's bowels, rather than of '76, which produced such a publication ? It is profanation, Sir, against the purest spirit that ever was an inmate of the bosom of man ; it is profaning the spirit which built up the very Constitution which we are striving to pull to pieces, and to scatter to the four winds of Heaven. Sir, said Mr. J. the framers of that instrument were patriots, friends to the liberties of mankind. They were men who had been just smarting under the lash of European oppression—they were men who felt for their posterity, what a father feels for the child of his bosom. In the genius and spirit of liberty, they formed that charter of our rights ; they handed it down to us as a rich inheritance, which we, like prodigals, would wish to squander, and to substitute—*What ?*—no man knows. The womb of time can alone disclose the birth. But to say the most of it ; it is a substitution of our own short-sighted views—our interested local prejudices, for the venerable and impartial work of our forefathers.

Mr. Chairman, said Mr. J. I am not one of those who entertain such a superstitious veneration for the works of antiquity, as to deem them too holy to be touched by the hand of man. Yet, Sir, I really do entertain for them such a veneration, that unless I see very flagrant abuses growing out of them, unless I see them entailing curses where benefits were intended, I am the last man in the world that would lend a hand to their subversion.

Feeling, and believing therefore, as he did, on this momentous question, that the adoption of the resolutions was calculated to jeopardize our best interests ; that the evils complained of were but of an imaginary nature ; that the powers to be delegated to this Convention were of too alarming a nature to be entrusted to men, except called for by the most pressing necessity, he felt it a paramount, an imperious duty to give his vote against the Resolutions.

Mr. MEBANE (the Speaker) said, it was his misfortune, whenever he rose to address the house, to experience the greatest difficulty, from being seldom called upon to address a public body ; and, on the present occasion, he felt more than ordinary embarrassment on account of the importance of the question and his great inability to do justice to the subject under debate. He felt embarrassed on another account. The gentlemen who had preceded him in support of the Resolutions before the committee, had taken up the ground so completely as to have left little for him to say. They had clearly proved to his view, that our present Representation is unequal, unjust and anti-republican.

Mr. M. said he felt discouraged on another account ; that he was addressing gentlemen, a majority of whom have their reason blinded by what they conceive to be their interest, who feel power and forget right, and who fear the approach of the time when the Sceptre is to depart from Judah. He of course could not expect any thing he might be able to say would have any influence upon them, although he would wish to hope better things, and that Eastern gentlemen would feel disposed to observe the golden rule of "doing to others as they would that others should do to them." The friends of the present proposition had been charged with bringing forward a measure calculated to produce anarchy and confusion in the country. He could not help thinking, however, that gentlemen viewed the subject through a distorted medium.

Mr. M. did not intend to detain the committee many minutes, as he would not follow his friends in the calculations which they had laid before the committee. He would state a few circumstances to shew, what had already been more fully stated, that our Representation is unequal, unjust and anti-republican.

Take into view, said he, the whole population of the State and it will be seen that sixteen or eighteen of the largest counties have one-half of this population. No matter in what part of the State they are situated, the citizens of North-Carolina having equal rights. And yet these Counties send no

more Representatives to the General Assembly than the same number of the the smallest Counties in the State. Is this just or equal?

Again, as to the expences of the Government. The committee had been told, that the Representatives of each County in the General Assembly, together with the expences of Judiciary, &c. cost the State about \$700 a year. It will be found, on reference to the Comptroller's statement, that many of the small Counties do not pay near this amount of taxes into the Public Treasury. Who, then, pays the residue for them? It is the large Counties which pay it. Is this just or equal?

It will be found, that one-half the Counties in the State, I mean the small Counties, do not contain one-third of the whole population, while the other half contain upwards of two-thirds. Yet each County has the same Representation in the Assembly. Is it not right that a majority should rule? Yet in this case, the minority rules. One-third can govern two-thirds. Rowan is equal in population to six or seven of the small Counties, and Orange is not much less, and they pay taxes in proportion.—And yet each of these small Counties send as many members to this house as Rowan or Orange. Is this fair or equal?

It appeared to Mr. M. to be useless to produce arguments to prove things which are so self-evident; and it must be interest, or something else, which prevented the subject from being viewed in its proper light.

It had been said, that the present time is improper for calling a Convention; and alarming forebodings had been made of the evils which would probably grow out of such a measure. All which he considered as devoid of foundation.

Something like a menace from the West had been alluded to—that the Western people would rush from the mountains and crush the people of the East. Gentlemen may have seen in a newspaper, some such anonymous piece; but whoever might have written it, he was not a good citizen; but far from it. No, said Mr. M. however much the people of the West desire a revision of the Constitution, they will never resort to other than fair and honorable means to effect their purpose. You will never see Mountain Men in Arms, except it be to meet an Enemy: If such appears, they will always be ready to fly to the defence of their Eastern brethren.

Mr. M. would have been pleased that this question could have been viewed in its proper light, without reference to either Eastern or Western interest, that every part of the State might have obtained that just and equal Representation

in the Government to which they are entitled. He despaired, however, at present, of succeeding in his wishes.

Mr. HILLMAN was unwilling to consume much of the time of the committee, but he owed it to himself and his constituents, on so important a subject, to assign some of the motives which would govern his vote, and to reply to some of the arguments which had been offered in favor of the resolutions on the table.

The gentleman from Salisbury had said, that our present Constitution was imperfect, and that considering the inauspicious circumstances under which it was framed, and the unfavorable period for deliberations of that kind, it was a wonder it was not more so. He thought differently. It was framed by patriots who had just broken the yoke of despotism, who were pure from the revolutionary struggle which ushered in the independence of the country; and who, therefore, knew well how to value the principles of civil liberty. Every memorial presented to the British Throne or Parliament, about that time, shewed how well they were acquainted with their political rights. How could it have been otherwise, asked Mr. H. when the very cause in which they were engaged, had for its objects the establishment of the independence of a people, the acknowledgment of the rights of a nation? A struggle, which, if it had proved unsuccessful, would have rendered *all who had embarked in it rebels*, and exposed them to the penalties of the law. Nothing but the most perfect knowledge of their rights, the most thorough conviction of the injuries they had sustained, could have induced them to throw off the yoke and incur such dangers. Napoleon was not more anxious to make his army familiar with military tactics and the art of war, than the people of this country were, at that time, to become acquainted with the principles of civil liberty and the unalienable rights of man. One of the most distinguished members of the British Parliament, at that time, did not hesitate to say, that there were no people in any part of the world, who understood their rights as well as the people of America. There were, then, no parties; there was no such thing as sectional feeling—familiar with the repeated and continued encroachments of power, and having suffered much and suffered long in the struggle, they knew well how to guard their rights and protect the liberties of the citizen.

But the gentleman from Salisbury has intimated, that the patriots who framed our constitution still felt an attachment to the old government; and to prove this position, he has

read us an extract from the minutes of their proceedings at Halifax. It will be recollected by the committee, that the contest, even at that time, was somewhat doubtful. Considering the doubtfulness of the contest, and the many delicate and tender ties which existed between the people of this and the mother country, it is not a matter of very great surprize that the people of this country should have been satisfied, with a recognition of their rights by Great-Britain, to have remained attached to that country. It was, however, an attachment to the people to whom they were connected by the ties of feeling, of affinity and of blood, rather than any attachment for the government, which they felt. Does the gentleman mean by such an insinuation to raise a prejudice against the Constitution? Where is the feature in it which will warrant such a charge? Our bill of rights, to be sure, is nearly a copy from the Declaration of Rights of Great-Britain—and where is a better? But is there any thing in our government which savours of British attachment? Have we, as in England, an hereditary executive and peerage? On the contrary, our Governors are elected annually; our Senators are chosen for the same period by freeholders; and our Commoners by every man who is subject to pay taxes; and the sessions of our Legislatures are held annually. No people could have been placed in more independent circumstances than were our forefathers at the formation of the Constitution. Having thrown off the British yoke, they were at full liberty to form a new system of government on correct principles. This Constitution has another recommendation. It has the test of forty years experience, during which time, the State has flourished and been happy without altering it in a single feature. How is it with regard to our laws? Is it not the business of our session to repeal what a former one has enacted, and for the next succeeding one to re-enact what the preceding one has repealed? If so, what evidence have we that our Convention would not be composed of materials similar to those which compose our General Assemblies. I should tremble for the State, if its Constitution were to be new-moulded by the present General Assembly. It would partake of all the imperfections of our legislation, and every few years a Convention would be necessary for the purpose of amending these modern improvements. He would, therefore, prefer not to meddle with the Constitution. It might have its imperfections, but he “would rather bear the ills we now endure, than rush to others which we know not of.”

The gentleman from Rockingham (Mr. Morehead,) tells us there is a vast difference between the large and small States

under the Constitution of the United States, and the large and small counties under the Constitution of this State—that the same reason does not apply to the counties as to the States, because the latter are sovereign, the former are not. Mr. H. thought differently. Both were governed by the same motives, to wit, self-preservation and self-defence. Previous to the Revolution under the old colonial government, the representation was according to counties. The Constitution being a matter of mutual conciliation and of compromise, the smaller counties were as anxious to preserve their integrity and their influence in the State as the smaller States were to preserve their sovereignty and their weight among the United States. He thought the gentleman had furnished the answer to his own argument, when he told us that the Legislature had power to “new mould, to lop off, and to annihilate, the counties at pleasure.” It was to prevent the larger counties, like Aaron’s rod, from swallowing all the smaller ones, that induced them to insist upon this principle of representation; and he thought the argument of the gentleman but illy calculated to induce the smaller counties to give up a principle so important to their safety.

Mr. H. admitted that there was some inequality in the representation of the people of this State; but he denied that this inequality was either *unjust* or *anti-republican*. The justice of the principle depended on *the nature of the compact*. In a *government of compromise*, there could surely be no injustice in each county having the weight which it had been agreed it should exercise in the legislative councils. As it regarded the term *republican*, it was a kind of relative expression. It did not follow of course, that because these was not an exact equality of representation that therefore the Constitution was *anti-republican*. Will any man say, asked Mr. H. that the Constitution of the United States is *unjust* or *anti-republican*? He presumed not; and yet the inequality under our Constitution is not greater than it is under the Constitution of the United States. The weight which is given to the smaller counties is not greater in proportion than the weight which is given to the smaller states.

The gentleman from Rockingham has laid before the committee, a calculation of the white population of the Western and Eastern counties, and also of the federal numbers; according to which, he gave a majority to the West. Gentlemen had also made calculations to shew that the West paid more taxes than the East. Their statements were calculated to mislead. It would be found, upon examination, that gentlemen had taken Granville and Bladen into their calculation.

for the West, and had left out Wake. Heretofore, Granville, Wake and Bladen, had been considered as central counties, and therefore left out of the calculation of Eastern and Western strength. This would make a very considerable difference in the result of their calculations. Mr. H. could see no good reason, why, as these counties generally voted with the East upon this subject, and were opposed to a change of the Constitution, they should not be taken from the West and added to the East, in the calculation. If this were done, there would be a vast difference in the result. Although the white population of the West, might be greater than that of the East; yet if federal numbers and property were taken into the estimate, there would be a corresponding ascendancy in the East, which would balance the majority of white population in the West. The objects of government, being the protection of property, as well as the security of the liberty of the citizens, it has been generally conceded that the basis of representation ought to be according to population and taxation.

Gentlemen, in order to shew the great inequality of representation, even upon this basis, have taken some of the larger Eastern counties, with some of the Western—Halifax and Rowan, for instance, and compared them with Columbus, Jones, and other counties. If the large counties in the East, are satisfied with the present Constitution, why, asked Mr. H. will gentlemen attempt to force upon them a change?

Mr. H. thought there was much weight in the remark of the gentleman from Halifax, (Mr. Alston,) that wherever you find a large county, you generally find smaller ones near it, whose representatives having the same interests, the same feelings, and frequently the same connections, to represent generally, vote alike, upon all subjects which come before the Legislature. The interests of the larger counties, are therefore, almost as much protected as they would be, if their representatives were apportioned according to their relative wealth and population. He agreed also perfectly in opinion with the gentleman from Wilmington, (Mr. Jones,) that it was impossible to weigh out political justice, in exact mathematical scales. If this could be done, it would be necessary to apportion the weight not only of each individual county, but of each individual member of society. Viewing the subject with a mathematical eye, it is as unjust that the individual who is possessed of scarcely any property, should have the same weight in the political scale, as an individual who is possessed of millions; as it would be to allow Columbus the same weight with Rowan—but we are under the necessi-

ty of submitting to inequalities of this kind. Some standard must be found, and no better one can be pointed out, than that which the Constitution has erected.

The gentleman from Salisbury, has another objection to the present Constitution. It produces an aristocracy of the smaller counties, and gives them the power of exercising undue influence over the larger ones! An aristocracy of *a few poor, insignificant counties!* Columbus is to tyrannize over Rowan! Who Mr. H. asked, had ever before heard of an aristocracy of the peasantry, over the wealth of the country? He had been taught to believe that wherever an aristocracy existed, it generally possessed the means of carrying its views into execution. He has thought it one of the qualities of poverty to be sometimes dependent on wealth, and it was the character of power to encroach upon the weak and the defenceless.

But the Gentleman from Rockingham has discovered dangers from an aristocracy of a different kind. He says, if slave property be represented in the House of Commons, and land in the Senate, it is giving an undue weight to property, and will create an aristocracy dangerous to the country. So that gentlemen go to different extremes. But he believed it an axiom so well settled, and so generally conceded, that taxation and property ought to be taken into the calculation in fixing the basis of representation, that he did not deem it necessary to trouble the Committee with any remarks of his upon that point.

But some gentlemen seem disposed, in the new Constitution, if such is to be formed, not to respect property at all, but to fix the representation according to population alone. Mr. H. had an exalted opinion of gentlemen from the West. They were, generally speaking, honorable and independent men, and he had been proud to vote with them on those subjects where the best interests of the State were at stake: but, he hoped gentlemen would pardon him for believing, if population alone were made the basis of representation, that the slaves of the East would pay most of the taxes into the public treasury. The majority would have the power of so ordering things; and if they had the power, it was idle to say they would not abuse it. Whenever an extreme case shall occur, they will use this power, and use it oppressively. The Eastern counties already, paid more than their proportion of taxes. The power, however, is now pretty equally balanced, according to this combined principle of population, taxation and property, and he preferred it should remain so.

But we are told, said Mr. H. that the importance of the Western counties is daily advancing, and that when the improvements are effected, which are now going on in the several rivers, and the produce can be gotten to market, it will become more prosperous and wealthy. It will be time enough to mould our Constitution to this state of things when it shall actually take place. He would venture however, to predict, that the Eastern part of the State is destined to an improvement, perhaps, equal to the West, from draining their marshes and opening their country, which not only increases its fertility, but renders it more healthy. There is no part of the country in which they have greater inducements to make improvements in the science of Agriculture, than our brethren in the East have. It will be time enough, however, to provide for this state of things, when it shall happen.

Mr. H. would make one remark on the Resolution, which directs the manner in which the people are to signify their will in relation to a Convention. It proposes that the question shall be decided by the voters for Members of the House of Commons writing on each of their tickets, "Convention" or "No Convention." This would be losing sight entirely of the combined principle—and the propriety of calling a Convention would be decided by population alone. He would make one or two statements, drawn from the last Census, to shew what would be the effect of this vote, and how completely the principle before-mentioned, would be departed from. He would suppose that each white person and person of color, in each county, were entitled to vote; for although that was not the case, and the number who are actually entitled to vote, is much smaller, as the proportionable diminution would be about the same in each county, it would be sufficient for his present purpose, and would save the necessity of a calculation, which he had not now time to make. Taking this then as a data, merely to illustrate his idea upon the subject, it will be found that the county of Burke has an aggregate population of 13,411, and having only 1,917 slaves, would give 11,594 votes, or in that proportion; while the county of Granville has an aggregate population of 18,222, and would, upon the same principle, give only 9,151 votes. The county of Buncombe, with an aggregate population of only 10,542, would give 9,500 votes, while the county of Halifax with an aggregate population of 17,237, would give only 7,787 votes. These calculations, as well as many others which might be made, prove very satisfactorily to my mind, that upon the question, whether a Convention should be called or not, the principle so much contended for in the course of this

discussion, would be completely conceded by adopting the Resolution on your table; and that an undue advantage would be given to the Western over the Eastern counties. Again, when this Convention is called, and the Legislature undertake to prescribe the number each county shall send, what is to prevent their sending more? When you once call a Convention, that Convention is omnipotent. The Legislature can set no bounds to their authority.

In concluding, Mr. H. said, much feeling had been brought to bear upon this subject. Gentlemen had discussed it as if it were entirely an Eastern and Western question; and a mere contest about power. He felt no particular bias either in favor of the East or the West. The county which he had the honor, in part, to represent, was a central county: it was also a populous and wealthy county, and its situation would not be much affected whether the Resolutions passed, or were rejected. The citizens of Granville have no jealousy of their neighbors; they know their rights, and place too high a value upon the interest which they have in the present Constitution, to be willing to jeopardize it for they know not what. It appeared to him, that it was incumbent on the advocates of a Convention, to shew that the present Constitution has not only imperfections on paper—that it wants proportion and symmetry, but to shew that some *real practical evils* have been experienced by the people, from those defects. If they can shew that the rights of any person have been sacrificed, or that any person has a claim upon the State which has been unheard and unattended to, and that this is the fault of the Constitution and not of the Legislature, then there would be some plausibility in urging the adoption of the measure before us. But, though gentlemen had been called upon repeatedly during this discussion, they have not been able to point to a single grievance—a single practical evil, which has resulted from even the inequality of representation, so much complained of; he took it for granted that none existed, except the want of a little more power.

Sir, said Mr. H. when we are about to call a Convention to amend our Constitution, it should be recollected that a diversity of opinion exists here and elsewhere, as to the amendments which it is proper to make. Some are for making white population alone; some, federal numbers—and others, the combined principle, the basis of representation. Some are for electing our Governors, Sheriffs, Clerks, &c. by the people—others, for making the Judges dependant on the Legislature, and removeable at pleasure, upon the vote of a certain number. In this wild rage for improvement, while the

Convention are undertaking to amend its imperfections, what security have we that they will not fritter away every valuable feature of the Constitution. Mr. H. would not deny the right of *the people* to amend the Constitution from time to time; but the Resolutions on the table, called upon us to pronounce the Constitution so perfectly defective, so rotten in principle, *so unequal, unjust and anti-republican*, that they ought to lay violent hands on it. Whenever an actual necessity shall exist, the people will assert their power and apply the remedy. He did not believe the sentiment expressed in the Resolutions was correct, and therefore, could not vote for them. He thought the voice of prudence would say to the people, as you have enjoyed your rights uninterruptedly for upwards of forty years under the present Constitution, and have not a single actual grievance to complain of, you ought not to consent to subvert it.

Mr. STRANGE observed, that he hoped the committee would not be alarmed: he would occupy their attention but a few minutes. He had intended to have taken no part in the debate, as he believed that every member came to that house with a determination to vote as his individual interest led him; he would therefore as soon expect to move the State from its foundations by the explosion of a pop-gun, as by argument to change the vote of a single individual on the committee; for interest presents a shield as impregnable to argument, as that of the mighty Greek to the weapons of his enemies.

Mr. S. thought the true question before the committee had not been fairly stated and met. Enquiries have been made whether any grievances have been experienced under the present system. It appeared to him, that it would be the principal objects, and perhaps the only ones, of the proposed Convention, to enquire into the grievances occasioned by the defects in our present Constitution, and to recommend measures suitable for their remedy. The inquiry is, therefore, at this period, premature.

Gentlemen have said much of the evils that must necessarily flow from calling a Convention, which he considered as without foundation. They speak of it as though, by the call of a Convention, we should be turned loose into the wild and trackless desert of political experiment; that we should be savage and lawless, as man is found to be where the bonds of society have never been imposed. But Mr. S. considered the Constitution of the United States as the polar star which, however we might be tossed about upon the

wild and tempestuous ocean of political experiment, will eventually serve to guide us safely into a haven at least as commodious as that in which we are now moored. The casquet of eloquence has been torn open and its various jewels scattered abroad, to dazzle and allure us from the true question, by exciting our alarm, and enlisting our feelings. He would venture to assert, that whenever a Convention is called, nothing like the rage and turbulence of passion will be seen in it; not a blast will pass over it to ruffle the deliberative calmness of the scene; it will be composed of materials above the influence of sectional interest and individual feeling.

The question before the committee has improperly been made one of conflicting interest between the Eastern and Western counties of the State; whereas it should be, and really is, one of alleged injustice between the larger and smaller counties. There are small counties in the West, as well as in the East, who have as much political power as the larger counties. This is unjust; and it is the duty of every honest man, every lover of justice, to do all in his power to remedy the evil, if he believes in its existence, no matter how it may operate on himself individually; it is of no consequence to him whether he inhabit a large county or a small one.

Gentlemen say that large counties have no cause of complaint on this ground, because they have small counties near them. As well might you say to the poor man, under an Aristocratic form of government, who complains that he is not represented, "Sir, you have no right to complain, you have rich neighbors near you, who are represented, and who will, consequently, take care of your interests." Would such an answer be viewed by him as consolation suited to his case? Would he not view it as the taunt of scorn? As the mockery of his grievance? And so should this argument be viewed by the inhabitants of large counties.

To him, this question appeared simple and unanswerable. Gentlemen opposed to a Convention have no right to open their mouths upon the subject; they have no right to say we shall have no Convention. In their open opposition to this measure, they say to the supporters of the present proposition: "Although your fathers have fought and bled to secure your liberty and independence; although for this your soil has drank their blood, and their bones have whitened on its bosom, you shall not enjoy the blessings secured to you by their valor. Although we acknowledge you are not equally represented, we will stand self-created guardians thereof, between you and the Constitution; although it is the charter of your own liberties, purchased by the blood of your own an-

cestors, although we acknowledge it to be your own exclusive property, yet we will take it upon ourselves to form a phalanx around it, and bid you defiance; you shall not, unhallowed as you are, obtrude yourselves into its presence, or touch it with your polluted hands." From whence do these gentlemen derive such high powers? They have them not; they have no right to say to the free people of this State, you shall not have a Convention. If, when the vote comes to be taken on the subject, they think it inexpedient to hold a Convention, they can put in a ticket to that effect. But it is our right, (said Mr. S.) to have a Convention.

It is painful to look around upon this respectable assemblage—the Legislative Council of the freest people on the globe, and reflect that all who have spoken, and all who will vote on this important question, have spoken, and will vote under the sole influence of what they believe to be their sectional and individual interest, without adverting a moment, to the abstract question of right. If the question were put to every man in this committee, separately, individually and alone, "are those Resolutions reasonable?" he would answer affirmatively; but men, gentlemen, appear on this floor in their representative capacity, borne away on the tide of sectional and individual interest; they can say there shall be no Convention, and right and justice is lost in the flood.

Mr. J. S. SMITH observed, that the proposition before the committee was important, as it proposed to submit to the citizens of this State the propriety of calling a Convention to amend their Constitution.

From remarks which had fallen from gentlemen in the course of this debate, it seemed to be doubted whether we had a right to interfere with the Constitution. He presumed no member of the committee meant seriously to assert such a doctrine. All power, said Mr. S. belongs to the people, and they have a right to meet and consult for the public good, and to amend their charter of government as they please. This is a right secured by the Law of Nations. To prove which, Mr. S. read an extract from *Vattel*.

It is, said Mr. S. a well established principle, that the people have a right to alter their Constitution at pleasure. But although gentlemen acknowledge that we possess this right, they are not for affording us any remedy. They ask what business the Legislature has to meddle with it? And they deny that the people have any right to act upon it. So that we have a right, but no remedy. This, said Mr. S. cannot be so. And though the Legislature cannot compel the people

to hold a Convention, they may point out the mode in which it can be done.

But waving that point of the subject, it is said to be inexpedient to call a Convention provided we have the power; and he would endeavour to follow the course of remark which had been made on that subject.

The gentleman from Halifax gave the following reasons why it would be inexpedient to call a Convention. He said it would convulse the people to throw into their hands that power which is their own. It would convulse the State, and jeopardize the best interests of the country. Where does the gentleman find grounds for his apprehension? Is there any thing so factious in the people of North-Carolina more than in other States of the Union? It has always been allowed that this State is the Southern State of steady habits.

Out of twenty-four States, twenty he believed had lately adopted new Constitutions, Connecticut (the land of steady habits) amongst the rest. Even the factious State of Georgia (as it has sometimes been called) has submitted the question to the people, who had shewn that they were not anxious to grasp at power; on the contrary, they are willing to let things remain as they are. Was the State of New-York convulsed by faction when the people of that State held a Convention? No such thing. The delegates met at Albany, and proceeded to business in a manner becoming the Representatives of a wise, Republican State. Nor has any thing like faction appeared in any of the other States on like occasions. If, said Mr. S. you agree to submit the question to the people, as is proposed, and a majority be in favor of the measure, the question will be, what is to be done? The people will be told that the Convention, when assembled, will have power to abolish such of our Constitutional provisions as they think proper and to make new ones, and they will appoint for this purpose, the best qualified Citizens in the State.

In the election of Members to the General Assembly, the citizens are careless, believing that any man of good intentions, and good common sense, will answer the purpose; but when a new Constitution is to be formed, you will see every man repair to the poll, and the best and fittest men in the community will be chosen. No man in the State will be exempt from serving in a Convention; even your Governor, or your Judges, or Ministers of the Gospel, might be elected to that body. You may therefore bring together the greatest talents in the State. And can it be supposed, for a moment, that such a body would be factious, or adopt any mea-

sure which would not be for the welfare and happiness of the State?

But gentlemen have said, that under the present state of things, nothing like oppression takes place. Mr. S. admitted that we at present enjoy liberty and a good degree of happiness; and that the Constitution under which we live is a good one, considering the time when it was made. But since its formation, times and circumstances have changed.

Gentlemen call loudly on the friends of the Resolutions, to shew any instance in which the people are deprived of their rights, and what necessity there is for calling a Convention.

Mr. S. said he would examine this subject. We allege that our Representation is unequal, and we name two Counties to prove it, Rowan and Columbus. The citizens of Columbus have six times the portion of Representation in the General Assembly that the citizens of Rowan have. What are the rights of a citizen? His first rights are his natural rights, to life, liberty, and the possession of happiness. But when he enters into the social compact, he surrenders some of his natural rights for the sake of enjoying his political rights. All men are born equal, and every man similarly situated is entitled to equal rights and equal privileges. This being a fact, we have a right to complain that the citizens of the large counties do not possess equal political rights with the citizens of small counties. And if he must speak of Eastern and Western (though he disliked the distinction) our people believe that they do not possess their full share of Representation in the Legislature. That the Eastern Members make laws for us, and tax us without our consent; and they make our Governors, Judges and other Officers. The East has the majority, and consequently the power, and though they may not use it improperly, they may do so if it pleases them. This we call a grievance. To deny to freemen an equal voice in making laws, laying taxes, &c. is Anti-republican and Aristocratic. It may be called Republicanism; but it is Aristocratic Republicanism, just such as he would call the Republicanism of Virginia, or that of any other State where it is necessary to have a freehold to entitle a man to a vote.

Here, then, said Mr. S. we present a grievance. Here we shew you something like oppression. What, asked Mr. S. is more degrading to a man than to feel that he has less political rights than his neighbour? To discover that the citizen of a small county has five or six times the power that he has?

For what, asked Mr. S. did our forefathers fight? It was for a free Republican Government and equal rights. The gentleman from Halifax had told the committee something

about the struggle which had taken place in Connecticut between the powers of Church and State. It was a happy struggle. He differed entirely in opinion from the gentleman from Newbern on this subject. It was, said Mr. S. a struggle between the State and the Church, and he thanked God that the State had prevailed—That they had thrown off the yoke of the Clergy, and established a free Government.

The gentleman from Halifax next makes a comparison between the situation of our small counties and the small States—a comparison that is altogether inapplicable. A State is a sovereign, indissoluble body politic. A County, on the contrary, has no power but what is derived from the sovereign authority of the State. As a State, Delaware is equally sovereign with New-York. When the thirteen States met to form a National Government, it became necessary to make a compromise with the small States of Rhode Island and Delaware, and they were accordingly allowed the same Representation in the Senate with the other States. But has the little county of Columbus any sovereignty? Certainly not. Why, then, is it entitled to more Representatives in proportion to its size, than other counties.

The gentleman next alleges, that there would be great difficulty in a Convention about the proper basis of Representation. He (Mr. S.) had no doubt there would be some difference of opinion on this subject. But the members, after some discussion, would come to an understanding on the subject. He did not believe the citizens of the West had any ill-will towards their brethren of the East. He was certain that he himself had none; and if a Convention were to be held, the basis of Representation would be fixed on the principle of population, on the federal principle, or on population and taxation combined. Let us, said he, come together, and an opportunity will be afforded of conciliation and compromise. But while the two sections stood aloof from each other, nothing could be effected.

The gentleman from Newbern complained that the friends of these Resolutions confined themselves to the unfair Representation, and did not point out the defects in the Constitution. Mr. S. said, that was the principle defect, and was considered a grievance which could not be denied.

But the same gentleman says, this is not a proper time for amending the Constitution; that the country is very much embarrassed in a pecuniary point of view, and therefore unfit to be entrusted with the power of amending the Constitution.

Mr. S. said, it was true that the embarrassments which the gentleman spoke of had existed, and perhaps, in some degree,

still exist ; but he did not see what this had to do with the subject. The Constitutions of Connecticut, New-York, Massachusetts and Maine had been formed during the state of things alluded to, and we have heard of no disorder attendant on the Conventions formed for those purposes. Nor have any of them adopted any article growing out of the peculiar situation of the country. The Constitution of the U. States, indeed, forms a barrier to any such provision, as it prohibits any thing from being made a tender in payment but gold and silver coin. The States cannot therefore emit bills of credit.

Were a Convention to be held, said Mr. S. the subject of the embarrassment of the times would not be brought before it. We shall shew you, before the close of the present session, that your new Bank scheme without a specie capital, or any other wild scheme will be discarded by the present Legislature ; and if it will not countenance projects of this kind, how can it be expected that a Convention would act less wisely ?

But gentlemen say our Constitution has had an existence of 45 years, and therefore ought not to be touched. If an argument of this kind ought to have any weight, it might have been used with much greater force against amending the Constitution or Charter of Connecticut, which had existed since the days of King Charles. But such arguments had no weight there, and they are entitled to none here. Time cannot sanctify error. If your Constitution have nothing to recommend it but the rust of antiquity, that ought not to protect it. If you are not able to shew that it is perfect in all its parts, or superior to any Constitution which the present age can form, the people ought to have an opportunity of amending it when they express a wish to do so.

Mr. Jefferson had been referred to as authority for the system of Representation adopted in Virginia. You are told that a portion of the people in that State are disfranchised ; that no man who is not possessed of a freehold can vote for a Delegate to their House of Representatives. Mr. S. said he objected to this system. He cared not who was in favour of it. He respected Mr. Jefferson as much as any man ; but he would not call such a system of government a Democratic Republic ; but, in the language of *Vattel*, an Aristocratic Republic. [Mr. S. read a passage from *Vattel* in support of his opinion.]

What, asked Mr. S. constitutes the strength of the State ? There are two kinds of strength ; the one moral, the other physical. The moral, is the good opinion which the people

entertain of the goodness of its form ; the physical, is the force and ability which it possesses to meet an enemy. Suppose your Republic is invaded, all your citizens would be called upon to defend it, whether they have land or not, and if a man be obliged to fight for his country, he surely ought to enjoy the rights of a citizen.

The next gentleman who addressed the committee on this subject was from Beanfort, (Mr. Blackledge.) That gentleman acknowledged that the Western people were not correctly represented. This was a generous acknowledgment, and nothing more than he expected from the candour of that gentleman. But he nevertheless demanded of us a catalogue of our grievances. He admits we have not justice done us, but demands of us to shew where we have it not. The gentleman goes on to remark, that though the East does not equal the West in population, the towns of Newbern, Wilmington, &c. pay all the taxes paid by this State to the General Government. It is true that those places are the ports of entry, and that the Revenue Officers reside there, and that our merchants first pay the duties on shipping and on goods imported. But if the gentleman had read a little more on the subject of Political Economy, he would have found, that though the merchant pays these duties in the first instance, they are ultimately paid by the consumers of the goods imported, who live in the interior of the country.

The gentleman from Wilmington, (Mr. Jones) next addressed the committee, very eloquently and very feelingly. He regretted that so much feeling and zeal had been shewn by the advocates of these resolutions. Mr. S. said it was natural that gentlemen should express themselves feelingly when they had to claim the rights of freemen, of which they were unjustly deprived. But the alarm which was taken in relation to our forcibly obtaining our rights, had no foundation. We will bear the evil of which we complain, until our Eastern friends can be prevailed upon to do us justice ; but we shall never cease to claim our rights.

Gentlemen speak of threats which have appeared in some newspaper. This was no doubt the production of some intemperate person ; but a publication of this kind ought not to be charged upon the friends of these resolutions. So far as he knew the Western people, he could pledge himself they meant to use no other weapons but those of fair argument.

A Convention is objected to, because it is committing all the political powers of the community into the hands of the people ; and it is feared that when the delegates to a Convention met, they might break down some of the old barriers of

the Government. It is apprehended that certain powers would be taken from the Judiciary and placed in the Legislature. He did not fear any thing of the kind. Though some two or three gentlemen might have given such an opinion, he believed the people of the West are as much attached to our Judiciary, as any other citizens in the State. No danger, he believed, need be apprehended from that quarter.

Are you afraid, asked Mr. S. to trust the people with the power which belongs to them? The doctrine, that the people are unable to govern themselves, cannot be tolerated in this free country. It might suit the subjects of George IV, or of the Emperor of all the Russias, but he hoped it would find but few advocates with us. He should always be the supporter of self-government. It is contained in the first clause of our Declaration of Rights; and the people have never passed the sovereignty out of their hands, and he trusted never would.

The next gentleman who addressed the committee was from Granville, (Mr. Hillman) and he adopted the same strain of argument with his friends on that side of the question. He asks if the Governor be not now, in effect, elected by the people, through their representatives. Mr. S. observed, that he had already stated that the present majority of the Legislature elect the officers of Government and make laws without our consent, which is a sufficient answer to the gentleman's remark.

But, asks the gentleman, if you form a new Constitution, may not that also have its defects? Mr. S. presumed it would. It would be the work of man, and as man is imperfect, his works will necessarily be so. But what, said he, does this prove? Not that our present Constitution cannot be amended? Cannot be made more conformable to republican principles? It certainly proves no such thing.

The gentleman asks if the Constitution of the U. States be not republican? It certainly is, said Mr. S. and he would be content to make ours as like it as possible; for he considered it a good republican Constitution. But the gentleman enquires if political justice can be weighed in a balance? Though this cannot be done, we might come nearer to it than to allow one man to have six times as much as another. We can approach equal justice something nearer than our present Constitution does.

But the question is asked, why a man with half a million of dollars has not more political power than a man without a dollar? A rich man has no more power in the election of a member of this House than the poorest man of the commu-

nity ; but our Constitution provides for the security of the rich in the Senate, whose members are elected by landholders, and without whose consent no law can pass to injure the man of wealth. The riches of a wealthy man give him also an indirect influence in elections, as he can generally draw after him a number of votes from men who, in some way or other, are dependant on him, though this is contrary to our principles of political justice. Men are equal, and ought to have equal political rights.

The gentleman intimated that if the Western people had the power they would abuse it. But he assigned no reason why the people of the West would be more likely to abuse power than those of the East. Mr. S. did not know that the Eastern people had abused the power which they have. But the better way is to distribute the power, and thus give neither section of the State an opportunity of abusing it.

But the gentleman asks, if any county has presented a grievance to this Legislature which has not been properly attended to? Mr. S. said the Legislature had not the power of applying a remedy to the grievance which they presented, except by adopting the Resolutions now before the committee.

Mr. S. apologised for detaining the committee so long ; but would draw his remarks to a close. He would observe, that most of the old States had held Conventions for the amendment of their Constitutions, and in every instance the Constitutions thus submitted to the people have been much improved ; and he had no hesitation in believing, that if the Legislature would consent to submit our Constitution in like manner, the people have wisdom enough to present us with a Constitution not inferior to any other in the Union. The people of this State are as watchful of their rights as those of any other State. When the Federal Constitution was presented to them for adoption, they did not embrace it at first ; but after due consideration and considerable debate, they finally accepted of it. They have, at no time, been regardless of the rights and liberties of freemen.

The misfortune is, said Mr. S. that gentlemen will not be convinced by argument, because they have the power and are determined to keep it. No argument has any effect upon them. Political power to a Legislator, is like gold to a miser. He knew of no instance of persons surrendering political power without a struggle.

Mr. S. concluded by observing, that it is very easy to introduce plausible objections to any measure, however just and reasonable ; to alarm the feelings of the timid, and lead

them to apprehend the destruction of their liberties. When the present Constitution of the United States was first proposed, a great alarm was raised, and much evil predicted. The Articles of Confederation were clung to. It was said that the States were about to give up every thing, and that the liberties of the people were about to be subverted. Yet the event has proved that all the predictions then made had no foundation; for no man can now be found who does not rejoice in the change, and feel grateful for the blessings which we enjoy under the present government of the Union.

He hoped the committee would weigh the subject maturely and dispassionately, and decide upon it according to the best dictates of their judgment. The observations which he had made, were such as his duty called for, and which he believed to be founded in truth. Relying on the justice and magnanimity of the committee, he hoped they would allow this question to be submitted to the people; and with their decision, whatever it might be, he should be satisfied.

Mr. HILLMAN explained.

Mr. HAWKS.—I have watched with patient attention, Mr. Chairman, the progress of the gentleman from Hillsborough, (Mr. Smith,) in his march over this wide field of controversy. I have seen him, in the chivalrous spirit of reform, pass by no combatant who has yet appeared in the contest, and, like Gulliver among the Lilliputians, he has endeavored to throw the pigmies who surrounded him, hither and thither, at his own will and pleasure. The humble individual who now addresses you, has not escaped his animadversions, and therefore hopes the committee will pardon him for again entering the lists.

For himself, Mr. H. said, he thanked the gentleman for that ray of illumination he had thrown on the subject by quotations from *Vattel on the Law of Nations*. The gentleman deserved credit for the correctness of his quotations, and Mr. H. said he had only to lament, that in his search for truth, the gentleman had not proceeded far enough to discover the *whole* truth. This eminent writer had been represented to the committee as laying down the principle, that in republics, as the power belongs to the people, the people have the right to make what Constitution they please; and we, said Mr. H. are called on to adopt, as a fair conclusion from this principle, the strange position advanced yesterday, for the first time, by the gentleman from Fayetteville, (Mr. Strange) that as *individuals* in the great mass of the community, we are en-

titled to a vote on the subject, but when placed in a *legislative* capacity, it is beyond the power entrusted to us. This novel idea should be answered by *Vattel* himself; he was too profound in his views to lay down as a *rule of action* a proposition so indefinite as this; it would therefore be found, upon consulting him further, that in all contemplated alterations of an established form of government, the question of *expediency* was expressly recognized as a previous one. And who should answer the question? The people, by their delegates convened in supreme legislative council; and when, said Mr. H. this General Assembly shall have voted it to be *expedient*, we will return to the ranks of our fellow-citizens, and, acting on the principle read from *Vattel*, by the gentleman from Hillsborough, will proceed to the exercise of our rights as private individuals.

In directing the attention of the committee to the benefit which might be derived from the history of the sister States in the confederacy, Mr. H. said he had yesterday stated what he had seen in Connecticut, at the time that State met in Convention for the amendment of its Constitution. This statement had been questioned. The change had been called by the gentleman from Hillsborough, a contest between Church and State, in which the latter obtained the victory. Mr. H. said, that a very slight acquaintance with the State of Connecticut, was sufficient to shew that this was not the case. That Church which was represented as so obnoxious, contained within its body a majority of the people; in the struggle, therefore, it must have been triumphant. The fact was, it was a mere contest for power between those who had it, and those who wanted it, but who had no Constitutional right to it. The demon of faction there stalked abroad, and its track may now be seen by the mournful vestiges of desolation. The wisest and best men in the State stemmed the torrent in vain; they could only mourn over the calamities of their country, and the remembrance of its condition almost wrung from them tears of blood.

It might not be amiss, Mr. H. said, here to advert to another fact in the history of the adoption of the Constitution of Connecticut, as it might, perhaps, convince gentlemen that those States which had in this debate been applauded for their independence in demolishing the fabrics reared by the hands of their fathers, were not in all things worthy of imitation. The Convention of Connecticut met, formed its Constitution, sent it forth to the people, and called on them with insulting haste to decide after the deliberation of a *fortnight*, on the adoption of an instrument under which they and their poste-

rity were to live perhaps for centuries. Changes in government were not to be made for light and transient causes, and whenever any change should be attempted in our Constitution, Mr. H. hoped it would be done with wisdom and deliberation. To make a Constitution, is not the work of a day, nor ought it to be entrusted to common hands; but no gentleman could say that in the present temper of the times, the timid haste of those who might fear the loss of power, would not force upon us the precipitate course pursued by Connecticut.

The attention of the committee had been called, by the gentleman from Hillsborough, to the Constitution of the United States. We have been told, said Mr. H. that in every correct system of representation, it is necessary, in order to equalize political power, to take into view both the population and property of a community. This is the principle which I recognized yesterday. The Constitution of the General Government, embraces this principle, and so does our Constitution; but to make representation *perfectly* equal, is, as was remarked by the gentleman from Granville, (Mr. Hillman,) impossible; and therefore the Federal Constitution, so far as representation is concerned, was formed in the spirit of compromise. And however gentlemen may ridicule the idea, there must have been a principle of sovereignty in our counties; and when these several counties adopted the Constitution, it was done in the same spirit of compromise.

But it is objected against the present system, that the Legislature appoints the Governor and Judges, and in this objection the real motive of opposition was developed; here was seen the hand *grasping for power*. He did not think the gentlemen from the West had any cause of complaint against their friends from the East, on this ground. The West had certainly enjoyed its full share of honorable appointments; and from the county in which the gentleman from Hillsborough lives, no less than six members of the bar had been taken, within a few years, to grace the bench of our superior courts.

The gentleman from Granville had yesterday called upon the friends of the resolutions to place their fingers on any actual grievance growing out of the present system. None had been shewn. The evils complained of, said Mr. H. exist only upon paper; and we are asked to alter our Constitution because the delicate ears of hypercritical gentlemen are offended with its phraseology. But this morning, the gentleman from Hillsborough tells us in general terms, that our Constitution will be greatly improved by a revision, and at the same time admits that the new system will probably be stamped with

the impress of human infirmity. Sir, I thank him for the admission, for on it we may build. I had thought, from the remarks of the other friends of these resolutions, that we had reached that era of intelligence, when we *could not fail* to better our Constitution; but if the labors of the present enlightened age, like those of the last, are to be stamped with imperfection, I would submit it to the understandings of those who hear me, whether it be not better to bear the evils that we have, "than fly to others that we know not of." We know what are the present defects in our government, but we cannot foresee what may be the defects in any new Constitution which may be formed. Mr. H. said he would point them to the wisdom of these latter days as displayed in the new Constitutions formed by Alabama, Missouri, New-York, &c. and he asked to be shewn any one of them better than ours.

He had asserted yesterday, that if representation was to be regulated by numbers and wealth, there was no inequality. His honorable friend from Beaufort, (Mr. Blackledge,) had repeated the sentiment, and declared that the revenue paid into the public coffers, from the towns on the sea-board, exceeded all that was furnished by the Western counties. This had been contested, and considered as totally irrelevant to the present question. Mr. H. thought it had much to do with the subject. North-Carolina, viewed as an independent State, possessed the same common interest; and that which tended to diminish the wealth of individuals, inhabiting any portion of her territory, tended at the same time to the *common* injury, for individual wealth was the foundation of national wealth. The Eastern section of the State, interested in shipping to a vast amount, and continually importing goods subject to duty, poured into the treasury chest of the Federal Government, a sum which, superadded to the revenue furnished by the East to the *State* Treasury, made an aggregate, compared with which, the amount of revenue raised in the West was small indeed. But some gentleman had been pleased to say, that the Treasury of the United States was not the Treasury of North-Carolina. True, said Mr. H. it is not *our* Treasury, Sir, but it serves in various ways to protect a portion of our territory, which furnishes part of the funds in the *State* Treasury, and thereby insures the permanency of those funds. Mr. H. said that a comment on the remark of his friend from Rockingham, (Mr. Morehead,) would illustrate his idea. That gentleman had said that our countrymen of the West were ready with their thousands of armed men, to defend us in time of danger. For myself, Mr. H. proceeded, I thank the gentleman; I am sure that our countrymen in the West

would act the part of brethren ; but, Sir, with a defenceless sea-board of great extent, unprotected by a naval armament, (which armament the East now contributes to support,) our Western coadjutors would find on their arrival, the vestiges of a victorious enemy, in our desolated towns and smoking villages. They would find, too, that *they* were deeply interested in *our* weal or woe, because in the body politic, as in the natural body, the affection of any one part will be felt by the whole system.

But the gentleman from Hillsborough, aware that the revenue furnished by the East to the General Government, is in its consequences advantageous to North-Carolina at large, attempts to evade the conclusion drawn from the fact, by telling us that these revenues are paid by the Western people, the consumers of the articles, and not the merchants. Mr. H. said it was true that the consumer paid the duty, but it was also undeniably true, that the tax did not fall on the people of the West, for a very small proportion of the importations of the East ever passed to the West of the spot on which he stood.

When I reflect, Mr. Chairman, said Mr. H. that these resolutions are but an invitation to us to sit in judgment upon our ancestors, I am forcibly reminded of the lines of a great poet, alike remarkable for his knowledge of human nature and for the sarcastic powers of his muse :

“ We think our fathers fools, so wise we grow,
“ Our sons in future times will think us so.”

Sir, were this nothing more than an invitation to charge with folly those who have preceded us, I would now resume my seat ; but I see in it something more, our assistance is asked to unbind and let loose upon the calm surface of that political sea on which we at present ride in safety, the angry winds of faction. That surface may be lashed by those winds into billows, on which some few may float in safety to office and to honor, but when we would fain see its turbulent waves once more at peace, we may look around in vain for the master spirit who can “ ride upon the whirlwind and direct the storm” of a political tempest.

One word more. In my soul I do believe the proposed measure inexpedient ; and I beg my countrymen to bear in mind, that to make a Constitution is one thing, to make a *good* one is another. Our present Constitution is a fabric reared by our fathers, and within its walls we have lived for many years in safety ; in tearing it down, to erect a more modern edifice in its place, we may be overwhelmed in its ruins, we may sow the wind only to reap the whirlwind.

Mr. STANLY said, that rising under the disadvantage of addressing the House, after the subject had been very fully discussed, he would detain them but a short time, while he humbly gleaned over the field which others had reaped.

The question under consideration is not one of the common interest of legislation, an error in which admits of an early correction. We have before us a proposition to abolish that Constitution which we, and our fathers before us, have revered as the charter of our liberties, and to trust to the uncertainty of chance for a better. Before we venture upon this hazard, let us cast an eye upon the Constitution which it is proposed to destroy. The instrument we speak of, is not the formation of yesterday : it is that institution under which we have lived since the birth of our Independence ; which has secured to us our lives, our liberty and the pursuit of happiness ; which has proved itself amply competent to all the objects of national prosperity ; which claims our veneration and confidence for all the sanctions which time and experience can give, and from the assurance that under it we enjoy every blessing which belongs to man in society. With equal rights to acquire and enjoy property : the right to honor and office is also equal, and the poorest man in the community, presses his infant boy to his bosom, with the cheering reflection, that with industry, virtue and talents, his son may aspire to the highest offices of the State. Such is the Constitution we now possess : the work of man, it cannot be perfect : like other human institutions, a mixture of good and evil, it has its defects : but the evils imputed to it should not only be manifest, but should be great, before we venture on the dreadful experiment of destroying it, with no certainty what we are to obtain in its place.

The gentlemen who advocate the call of a convention, allege the evils of the Constitution are to be found,

1. In the unequal representation of the people.
2. In the want of power in the Legislature to remove the Judges.
3. In the mode of appointing militia officers.

Other objections, if they have them, they have not thought proper to mention.

The objection to the Constitution on the ground of unequal representation, is attempted to be supported, upon the allegation that the right of representation is equal ; that the same number of persons have the same rights, and should have the same influence in government, or in other words, that population should govern representation.

In passing to an examination of the foundation of their claims, M. S. said, he would barely notice a difficulty which

at the threshold met these advocates of equal rights of all persons. If all persons have equal rights, why are women excluded? Why are minors excluded? Because there are other considerations than the mere existence of a person, to support a claim to a share in government, his views of which, it was his purpose to offer; at present, he would without levity say, that in his opinion, the exemption of the sex was rather a privilege than an exclusion: their duties were of a higher, a more important, and of a more interesting nature—the instruction of their children, the care of their household, and the happiness of their husbands.

The imputed error of representation under the Constitution is divided into two parts; first, that the counties of the Eastern half of the State, with a less white population, have a greater number of Representatives in the Legislature than the counties of the Western half; and second, that particular small counties have as many Representatives as the largest.

To test the solidity of these objections, it is necessary to ascend to an enquiry into the ELEMENTARY PRINCIPLES OF SOCIETY. Society is not formed, said Mr. S. merely to establish the right nor to regulate the conduct of its members, in regard to personal liberty; if this were the sole object of government, the personal liberty being the same, the rights of all would be equal: but, (without seeking for higher or older authority,) from the time when it was commanded, “thou shalt not steal, thou shalt not covet thy neighbour’s goods,” the right to acquire and to enjoy property is as clearly established, and is as essential to the enjoyment of life, as the right of personal liberty. The rich are *people*, as well as the poor, and the right of property, whether large or small, is alike sacred. This security equally benefits those who already possess, and those who seek to acquire property—it stimulates to enterprize and industry. Revenue is the vital principle of government: without it, its wheels are effectually stopped: this revenue, property pays. We hold it, therefore, a fundamental principle in government, that barriers should be erected for the security of property; that the possessors of the property of a State, or of a District, should have a weight in its affairs, proportioned to the contribution they make to its support, and to the State which they have placed upon its prosperity. Not in government only, but in every association for the management of property, this principle is seen to operate. In Banks, in Navigation Companies, in estates held in common, the influence or control of each proprietor is proportioned to the amount he has contributed to the Common Stock.

That no man's property can rightfully be taken without his consent, in other words, that TAXATION and REPRESENTATION are inseparable, was the very basis of our Revolution. The violation of this principle by the parent country, first provoked our resistance; on this solid ground, that taxation and representation were inseparable, our fathers planted the Standard of Independence. To prove this, Mr. S. said he would read short extracts from some of those eloquent remonstrances addressed by the Colonies to Great-Britain at the commencement of the Revolutionary contest. The Book was a volume of Marshall's Life of Washington, which he found at hand.

[Mr. S. here read extracts from various addresses of the American Colonies to the British Government, in which it was claimed as a "fundamental axiom, that taxation and representation are inseparable from each other;"—"That the security of right and property is the great end of government;"—"That such measures as tend to render right and property precarious, tend to destroy both property and government, for *these* must stand or fall together;"—That "the proprietors of the soil are lords of their own property, which cannot be taken from them without their own consent;" and "that it is essentially a right that a man shall quietly enjoy and have the disposal of his own property."]

From what source more pure can authorities be drawn? But he would not limit the range of enquiry: In every country where the right of property exists, the rule must be found. All Republics, ancient and modern, Sparta, Athens, Rome, Venice, Bern and Holland, all had their separate body representing property and rank. The majority in every country are men without property; if numbers alone should decide, the greater number would take the property of the less. Certainly that government cannot be free, nor can it enjoy Constitutional liberty, which excludes the people, however poor, from a share in its administration; they are the bones and sinews of the State, and their voice must be heard: yet assuredly all power of government is not to be trusted, uncontrolled, in such hands. In every age, and in every climate, man is the same;—unchecked, he is found unjust, tyrannical and cruel. The rights of the minority must be protected; Government must be balanced with a view to the protection of the whole, and to that end, in a general sense, and in a general form, property must have its weight and influence. This principle for which he contended, Mr. S. said, had existed in this country from its earliest settlement. The gentleman from Salisbury, (Mr. Fisher,) had reminded us, that

long prior to the Revolution, a freehold qualification was required for electors of the Assembly and for representatives; to the present hour, our laws hold no man worthy of the trust of a juror, who is not a freeholder. It is found in the Constitution of the United States, which regulates representation by the rule of direct taxation; and in the Constitutions of all the States, which require a qualification of property in the elector or the elected. He considered the principle for which he contended, as established and consecrated by the authors of our glorious Revolution, of whom it was but just to say, that their merits, as legislators, will remain inscribed on the fairest monuments, when the memory of their splendid victories shall have crumbled into dust.

It was upon this principle, Mr. S. said, he vindicated our Constitution from the unjust attacks now made upon it, and should support the claim of the Eastern half of the State to the share which it possessed in the Legislature.

By consulting the very correct Map of the State, by Price and Strother, it appeared, that the point midway between the Ocean and the Tennessee line, on the northern boundary of the State, was the north-western corner of Granville county; suspending a plumb, or drawing a line south from that point, it gave to the Eastern half of the State, thirty-five counties, including the whole of Granville, all Wake but a small section on its south-west corner, the greater part of Cumberland and Bladen and Brinswick. In his calculations, he rejected Cumberland from the East. That county does not go with us, and we take no benefit of its weight in our scale.

From the Comptroller's Report to the present session, of the land-tax, at the rate of six cents of tax for every one hundred dollars of the value, the value of the lands in the Eastern 35 counties, rejecting fractions, is

\$18,710,000

And the value of the lands in the Western counties, at the same rate, is

15,252,000

The late census shews that the Eastern counties contain 113,891 slaves; estimate them at \$250 each, the value is

\$28,472,750

The Western counties contain 91,026 slaves, value

22,756,500

The result of these statements, gives to the East a property in lands and slaves of

\$47,000,000

And to the West

38,000,000

Shewing the property in the East, in these items only, to exceed that of the West,

\$9,000,000

Apportion the whole representation of the sixty-two counties in the House of Commons, (124 members) by this estimate of property, and the East will be entitled to sixty-eight members, and the West to fifty-six members.

That part of the revenue of the State, collected by the sheriffs, for the present year, is sixty-six thousand dollars. Of this the East paid thirty-seven thousand dollars, and the West twenty-nine thousand dollars. Apportion the representation by taxation, the East will be entitled to sixty-nine members, the West to fifty-five members.

Upon the basis of property and taxation, then, the Eastern half of the State would be entitled to thirteen representatives more than the Western half. And permit me to say, that the growing value and improvement of the Eastern section, will continue to increase the difference in their favor. Before leaving this view of the question, it was proper to remark, that there was other property not brought into the estimate. The West have their farms stocked; so have the East: but the East have large towns, which possess and employ a considerable commercial capital, in merchandize, vessels, &c. They own too, unquestionably, nine-tenths of the bank capital of the State. Against these funds, amounting to many millions more, the West have nothing to set off.

But the West claim the advantage of numbers. On this point I was gratified, said Mr. S. to hear the gentleman from Hillsborough, (Dr. Smith) admit the rule of federal numbers to be the proper ground of calculation. Certainly this is correct, and objections to the rule would come with an ill grace from us, who enjoy it as a right in our compact with the Northern States, and under which this State sends three representatives to Congress, gives three votes in the election of President, and which places in the hands of the Southern States, the power to turn the scale in the election of President. By this rule of apportioning the one hundred and twenty-four members, the West would be entitled to seventy-four, and the East to forty-nine representatives. Upon the average of the three modes, the East would have sixty-two, and the West sixty-one members.

As to the other branch of the objection, arising from the equal representation of counties of unequal size and population, Mr. S. said, if any injustice resulted from this circumstance, it admitted a remedy without a Convention: the Legislature was competent to regulate the boundaries of counties. But no rule could be adopted which would give equality. The counties must vary daily, as well in population as in wealth; and if made equal, the equality could not be preserved for a day. In his view, no inconvenience or injustice resulted from the existing state of the counties. Each section of the State formed one great community, with common feelings and interests; there were small counties in both sec-

tions; and invariably there would be found such strong affinity between the great and general interests of adjoining counties, great and small, that while all were represented, and while all were governed by the same laws, there could be no just ground of jealousy; although it might happen the representative was elected by three hundred men in one county, and by three thousand in the next.

Mr. S. said he could not believe that the Constitution was imperfect, nor the practice under it unjust, in regard to the important matter of representation. Wealth, taxation and population each had its influence. For the opposite claim, that population alone should govern representation, and give laws to the State, there was no pretence of reason, and no sanction of authority. North-Carolina, he hoped, would not be the first to fall into a fanciful experiment, at the sacrifice of a principle of the utmost magnitude.

Mr. S. said the complaints against the practice under the Constitution, were as unfounded as the charges against the Constitution itself. Our laws are equal; good or bad, we all alike live under them: If our burdens are unequal, it is the East that pays the larger part of the tax, and we do not complain of it. Public money is not lavished upon the East; with the power in our hands, we have *given* money to improve the West, and have taken nothing to ourselves. The honors and offices of the State, the loaves and fishes, so called, from the frugality of our government, are not of a kind to excite those active principles of the human breast, avarice and ambition; but such as they are, the West have more than an equal share, and at this moment, as is generally the case, the far greater proportion of those of importance are filled from the West. It is fit, also, to mention one important particular in which the East have given the whole power to the West: I mean the power of choosing the electors of President and Vice-President—since by the *general ticket* election, the West having more votes than the East, can elect a ticket, in opposition to the unanimous vote of the East. This surrender of right and power, must be remembered as one of those sacrifices of public good, which, in times past, party spirit made to party purposes.

The next objection urged against the Constitution, is that advanced by the gentleman from Richmond (Mr. Leake,): The want of a more speedy means of removing the Judges of the Superior and Supreme Courts, than that of impeachment for crimes: in other words, the want of a provision to make the tenure of the office of Judge to be not during his good behaviour, but during the pleasure of the Legislature. Mr. S.

said, he had hoped a doctrine so dangerous to the best interests of the country, would never again have found an advocate in this House. By the forms of government happily adopted in these States, the Executive, Legislative and Judicial departments are made separate and distinct: the Constitution limiting and superintending the operations of the Legislature. The Legislature is bound to act within certain prescribed limits; its power is strictly defined. Can the agent transcend the authority given by his principal?—and if he does, shall not the will of the master, the people, be preferred to the will of the servant, the Legislature? With power to make laws, and with power to execute them, the Legislature would have been despotic. To prevent this evil, to check the Legislature, to confine its acts within the limits marked out in the Constitution, the Judiciary, as a separate and independent branch of government was created. Important as this department is, it has no control over the strength or the wealth of the State, it has no capacity to injure; it is the least dangerous and weakest of the departments: yet as it is its province to protect the citizen against the oppression of the Legislature, it is justly regarded as the citadel of public justice and public safety. Experience has shown that passion and injustice, at periods, have influenced every community: the favorite of one day, has been the victim of the next, and systems of policy and ambition, of folly, or of wisdom, have flourished and fallen with their authors. This department, the Judiciary, has been created, separate, co-ordinate and independent, to check the career of the Legislature; to bring us to pause, and by compelling reflection, to protect us against our worst enemies, ourselves! While you secure its independence, you preserve its integrity and firmness: and it remains what the Constitution intended it should be, the ark of our safety: but if you render the Judges dependent on the Legislature for the continuance of their offices, and the supply of their bread, you barter independence and virtue for servility and corruption: you convert the sentinel into an enemy, and render that department a curse, which was designed for a blessing. Mr. S. said, these truths were so obvious, and the observations to enforce them so trite, that he had believed a doctrine so dangerous as that he now opposed, a doctrine which claimed omnipotence for the Legislature, and dependence for the Judiciary, had ceased to exist, except as rare and melancholy instances of partial lunacy: and he fervently prayed that the malady might not be more extensively injurious to the individuals afflicted.

The mode of appointing militia officers mentioned by the same gentleman as an objection to the Constitution, Mr. S. considered as of no consequence. As the militia ought to be, the whole body of free men armed and disciplined, the command would be interesting: but as they are! not uniform either in arms or dress, and without discipline; who are their officers, or how they are chosen, was not worth consideration.

The gentleman from Hillsborough, (Dr. Smith) is pleased to say, there should be no objection to a Convention, for a Convention could not injure us. Surely I misconceived the gentleman's meaning. Passing over the heavy expenditure which must attend the measure, I ask will not a Convention be unrestrained? Will it not have absolute power? Who can control it? Does not the formation of a Constitution require the greatest effort of human genius, directed by the purest virtue? What security have we, that a Convention to be now assembled, would be thus enlightened and guided? May they not authorise encroachments still further than we have already made on the right of trial by Jury? May they not render the Legislature despotic, and life and property insecure, by destroying the independence of the Judiciary? May they not adopt the notion to day advocated, of regulating representation solely by population? May they not, in short, while they preserve the form of Republican Government, mar the enjoyment of every right, and abridge every blessing of prosperity? We know that a Convention may do these mighty mischiefs: this is sufficient to warrant us in withholding the power, until evils which do not yet exist under the present Constitution, require so hazardous a remedy. It is true other States have had Conventions, but Mr. S. said, he believed it was also true, that, with very few exceptions, they had not improved the condition of the States in which they had been called, but had left them worse than they found them.

The authority of *Vattel*, read by the gentleman from Hillsborough, Mr. S. said, he considered entitled to more respect than was paid by those who sneered at his "worm-eaten pages." *Vattel* gives as his opinion, "that a nation may change its Constitution, by a majority of votes; and whenever there is nothing in this change that can be considered as contrary to the act of the civil association, or to the intention of those united under it, all are bound to conform to the resolution of the majority." That the power of the nation is unlimited, cannot be denied—all power rests in the people: they made the Constitution, and physically, a majority can destroy it.

Yet the *Constitution* spoken of by *Vattel*, was that *unwritten* form of government, resulting from *usage*, which alone had existed at the period in which he wrote. And one view of this subject *Vattel* could not take, because it results from a state of things not existing in his day. I mean the formation of written Constitutions by a free people. When the people of these States declared that all connexion between them and Great-Britain was dissolved, and that they were free, sovereign and independent, they reduced their "act of civil association" to writing: they formed written Constitutions. By the terms of this association, by this written Constitution, the people surrendered their natural rights into the hands of the Legislature, except so far as by express reservation they retained them. With great caution the people of this State prefixed to their Constitution a *Bill of Rights*, which I understand to be an enumeration of rights reserved, and of powers not granted. Is this power to form a Convention and destroy the Constitution reserved? Is the power reserved to a portion of the people, without the consent of the representatives of the whole, expressed in an act of the Legislature, to form a Convention? And if the power is not reserved, would not such a Convention, in the words of *Vattel*, be "contrary to the act of association, and to the intention of those who united under it?" A portion of the people may assemble, but to me it seems, said Mr. S. it will be nothing more than the exercise of the "holy right of insurrection," which, as it succeeds or not, may be termed rebellion or revolution. At all events, the inference is strong, that the right to form a Convention and to alter the Constitution, without the sanction of the Legislature, is not believed to exist; since in every State it has originated with the Legislature, and though often applied for, and repeatedly refused, no attempt has ever been made to proceed without Legislative sanction. And the repeated applications from a portion of this State, to the Legislature, for a Convention, shew beyond contradiction, that they act under the conviction that a Legislative authority is necessary, to justify the measure.

Mr. S. said he would recommend to the gentleman from Hillsborough, to extend his study of *Vattel* to the following sections of the chapter he had read: he would find *Vattel* there inculcating "that great changes in a State being delicate and very dangerous affairs, and frequent changes being in their own nature prejudicial, a people ought to be very circumspect in doing it, and never be inclined to make innovations without the most pressing reasons, or an absolute necessity."

Mr. S. said he believed a Convention to change the Constitution, was unnecessary : that the grounds offered in support of that measure were unjust and untenable : that in going into a Convention, we put at hazard a Constitution which, if not perfect, was upon the whole, a good one, while we could have no certainty what we should obtain in its place. He felt himself bound to vote against the Resolutions.

The Committee agreed to rise, and, on motion, recommended to the House a rejection of the Resolutions under debate, which Report was concurred with, 81 votes to 47. The Yeas and Nays were as follows :

YEAS.—J. Adams, Andres, Alston, Alford, Brickell, Bryan, Blackledge, Blount, Ballard, Barringer, Blair, Bozman, Boykin, Bateman, Barden, Burgess, T. Bell, Burns, Copeland, Cowan, Darden, Dawson, Daniel, Dulany, Forbes, Gregory, Gary, Hardin, Hawkins, Hurst, Hillman, Harrell, Hooker, Humphrey, Hassell, Hawks, Hastings, Hinton, Jordan, Jones, Jarman, Jeffreys, Joyner, Lloyd, Lamon, Larkins, Moore, Mereer, M'Millan, M'Daniel, Morgan, M'Leod, M'Eachen, Martin, Nixon, Pugh, Peete, Riddiek, Styron, Shipp, Skinner, Simmons, Stephens, R. Sneed, Spence, T. Sneed, Slade, Sillers, Stanly, Turner, Tull, Vail, Webster, Watson, Waddell, Watkins, Wynns, Wilkins, Webb, Wilder, Whitfield.—81.

NAYS.—Anderson, W. Adams, Benton, Barbee, Brittain, Beall, Brower, Baird, Collins, Clement, Carson, Durgan, Edmonston, Freeman, Flynt, Fisher, N. Gordon, J. Gordon, Graves, Henry, James L. Hill, Holland, John Hill, Hampton, Isbell, Love, Lane, Leake, M'Neill, M'Lean, Melehor, Morgan, M'Dowell, M'Neill, M'Comb, Morehead, Miller, Rea, Rats, Roberts, W. D. Smith, Shaw, Strange, J. S. Smith, Tyson, Vaughan, White.—47.

IN SENATE.

Resolutions for obtaining the same object were introduced into the Senate by Mr. Williamson, from Lincoln County ; but owing to the pressure of business, and the Session being near its close, they underwent no discussion.

On a motion to indefinitely postpone their consideration, the Yeas and Nays were as follows :

YEAS—Messrs. Alston, Albritton, Bryan, Boddie, Beasley, Campbell, (of New-Hanover) Davis, Daniel, Frink, Flowers, Gentry, Green, Gordon, Gavin, Hoskins, Hatch, Hyman, Jordan, Kenan, Leonard, Lamb, Lindsay, (of Currituck) Miller, Outlaw, Peebles, Pool, Robason, Richardson, Riddiek, Spaight (of Craven) Speight, (of Greene) Sumner, Smith, Seawell, Vanhook, Walker.—36.

NAYS.—Messrs. Beard, Bray, Bradley, Campbell, (of Iredell) Deberry, Graves, Huckabee, House, Holt, Lindsay, (of Rowan) Marshall, M'Leary, Perkins, Pharr, Parker, Person, Raiborn, Ruffin, Scales, Thomas, Williamson, Wade, Wellborn.—23.





